



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

November 2013

# DCPS District-Wide Bullying Prevention Policy

Principal

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Principal's Email

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Principal Designee

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Principal Designee's Email

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## I. Introduction/Executive Summary

On June 22, 2012, the District of Columbia City Council passed the Youth Bullying Prevention Act of 2012 to address bullying on a comprehensive, citywide level. The policy requires that all District agencies, grantees, and educational institutions that provide services to youth adopt a bullying prevention policy. The law includes any entity who provides services to youth on behalf of, or with funding from, the District of Columbia. The law also created the Mayor's Task Force on Bullying Prevention whose role is to assist District agencies in their bullying prevention efforts and the creation of their prevention policies. The Task Force has compiled a model policy around evidence-based practices in Bullying prevention.

The Bullying Prevention Act requires each youth serving agency within the District of Columbia to develop and implement a bullying prevention policy that includes nine elements of the law:

- The legal definition of bullying;
- A statement prohibiting bullying;
- A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;
- The expected code of conduct;
- A list of consequences that can result from an identified incident of bullying;
- A procedure for reporting bullying;
- An investigation procedure that include the name and contact for people charged with investigating Bullying;
- An appeal process;
- A statement that prohibits retaliation for reporting incidents of bullying.

## II. Background/Needs Analysis

Bullying is a nationwide issue that affects millions of young people each year. Recently, bullying has come to the forefront of our national dialogue just as researchers have deepened their understanding of the broad scope of long-term consequences associated with bullying, including depression, substance abuse, aggressive behaviors, and school truancy. As a result, schools and local governments are facing ever-increasing pressure to more effectively prevent and reduce Bullying in schools.<sup>1</sup>

According to the 2010 Youth Risk Behavior Survey (YRBS) administered to DC Public School (DCPS) students in grades six to twelve, greater than 25 percent of middle school students (grades 6-8) reported being bullied at school at least once in the last year. Approximately 15.8 percent reported not going to school on one or more days because they felt unsafe. Another 13.9 percent were afraid of being beat up at school. The 2010 YRBS results also found that 11.1

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<sup>1</sup> U.S. Department of Education, *Analysis of State Bullying Laws and Policies*

percent of high school students (grades 9-12) reported being afraid of being beaten up at school.

Students with disabilities, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or intimidation. The DC Human Rights Act has one of the broadest harassment protections for students and community members, protecting on the basis of: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, and/or place of residence. DCPS must take specific steps to create safe and supportive environments for vulnerable populations in the school community.

The District of Columbia Public Schools (DCPS) is committed to ensuring that our schools are safe and effective learning environments, free from bullying and other harmful and disruptive behavior. In every school—its classrooms, hallways, cafeterias, playgrounds, and other common areas—each member of the school community must feel welcomed, safe, and respected.

The goal of the DCPS District-Wide approach to bully prevention is to promote and practice strategies at the district and school level that will ensure that all students can learn in a safe, healthy, and supportive environment that is free from bullying. The most proactive approaches for bully prevention focus on four key areas:

- Promotion of positive behavior and positive school culture;
- Whole-school prevention and intervention
- Investigation into every bullying incident
- Provision of support to individuals involved in bullying incidents

Research documents that lower levels of bullying and higher levels of positive school climate/culture are associated with higher levels of academic growth as well as student and parent satisfaction with school. The DCPS Bully Prevention Policy includes model policy requirements and best practices. The policy and this document are directly aligned to and support two of the five Capital Commitment Goals:

- Goal 1 At least 70% of our students will be proficient in reading and math, and we will double the number of advanced students in the district.
- Goal 4 90% of students will say they like school.

### III. Definitions

**“Bullying<sup>2</sup>,”** means any severe, pervasive, or persistent act or conduct, whether physical, electronic or verbal that

- A. May be based on a student’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a student’s association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
- B. Shall reasonably predicted to:
  - a. Place a student in reasonable fear of physical harm to his or her person or property;
  - b. Cause a substantial detrimental effect on the student’s physical or mental health;
  - c. Substantially interfere with the student’s academic performance or attendance;
  - d. Substantially interfere with the student’s ability to participate in or benefit from school activities or services; or
  - e. Materially and substantially disrupts the education process or the orderly operation of a school.

Bullying also occurs when a student or group of students organize a campaign against another student or when a student or group of students maliciously spread rumors about another student. In most circumstances Bullying does not include a mutual fight between two students who are angry with each other. Such fights are subject to discipline according to the disciplinary rules in District of Columbia Municipal Regulations (DCMR), Title 5-B, Chapter 25 (referred to in this policy as “Chapter 25”). All references to bullying in this policy shall also be understood to include cyber bullying.

**Cyber Bullying** – Bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messaging, text messages, and Internet postings.

**Electronic communication** – The use of the Internet and mobile technology such as web pages, discussion groups such as instant messaging, SMS text, Instagram, or Facebook with the intent of intimidating, harassing, or harming another person.

<sup>2</sup> Adopted from definition provided in the Youth Bullying Prevention Policy Act 2012

**Principal Designee-** A point of contact decided on by the principal who will conduct investigations and provide communications in the principal's place. Each individual school must provide the name and contact information of the Point of Contact to parents and students. Posting the principal designee's name and contact information in the main office and including this information at the front of this policy document in the space provided is suggested.

**Safe person** - A person of comfort, determined by the student and someone who can be trusted without fear of being made to feel uncomfortable, unwelcome, or unsafe.

**Safe space** - a place where anyone can relax and be fully self-expressed without fear of being made to feel uncomfortable, unwelcome, or unsafe.

**Staff** – includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, coaches, athletic directors, support staff, or paraprofessionals.

#### **IV. Prohibition Against Bullying**

DCPS strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed. Acts of bullying by students are prohibited:

- a. On school premises;
- b. At any school-sponsored activity or event on and off DCPS grounds;
- c. On public and school transportation including stop locations;
- d. Using school property or equipment;
- e. Walking to and from school;
- f. Or, any other place where a student has access to technology.

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#### **V. Publication and Contact Information**

To support a whole-school approach to bullying prevention, schools must actively communicate policies and guidelines on bullying prevention and intervention to teachers and other school staff; students; parents; parent-teacher organizations; volunteers, and other relevant groups. School-wide displays, posters, newsletters, Connect ED, and all other forms of communication from school to home will be used to communicate the policy and the intentional focus on building a positive school climate.

The DCPS Bullying policy and all guidelines for reporting procedures will be made available on the DCPS website. The policy and all related forms will be translated into the languages of the communities served throughout the District.

The Office of Youth Engagement (OYE), in cooperation and collaboration with school principals, is responsible for coordinating the DCPS bullying prevention efforts. All questions, comments, and concerns about the bullying policy and DCPS prevention efforts should be directed to the building principal or principal designee or the Director of Discipline and School Culture in OYE.

### **VI. Code of Conduct**

Creating and sustaining a positive school culture/climate is the foundation of any bullying prevention program. The most successful practice for building school culture is a whole school approach involving all education and community partners. Collaborative and harmonious efforts are needed to bring about systematic and systemic change. DCPS believes that the following characteristics create positive school climate:

- Students, staff members, and parents feel safe, included, and accepted;
- All members of the school community demonstrate respect, fairness, and kindness in their interactions;
- Build healthy relationships that are free from discrimination and harassment;
- The learning environment and curriculum reflects character education and appreciation for diversity;
- Bullying prevention and awareness-raising strategies for students, staff, and families are taught and reinforced; and
- Students are meaningfully engaged and given support to succeed in an environment of high expectations.

DCPS must be intentional about creating a positive school culture where students feel welcomed, safe, respected, and as such, are able to fully engage in their academics. The DCPS policy recognizes that bullying prevention cannot be effective as prevention and intervention methods unless they are included as a part of a whole-school prevention/intervention approach. The whole-school approach will include the following elements: prevention, intervention, consequences, progressive discipline, and focused professional development and training.

### **VII. Prevention**

Schools will be expected to participate in annual professional development and training to increase bullying prevention awareness. School-wide evidence-based bullying prevention programs will be implemented as part of a system of positive behavioral supports and school improvement efforts at all grade levels. Bullying prevention campaigns, assemblies, programs, rallies, monthly celebrations, etc. should be developed and implemented throughout the year.



The prevalence and characteristics of successful bullying prevention practices will be used to inform decision-making and school improvement efforts. Consistent and frequent monitoring of school culture indicators from surveys, number of students participating in school-wide programs and celebrations, report cards, and student behavior data systems are valuable information sources to consider when creating and promoting a positive school culture. This information will help to identify patterns of behaviors and areas of concern, and will inform decision-making for prevention strategies including, but not limited to, adult supervision, professional development, age-appropriate strategies, and in-school support services. Should the data show a school issue or concern, strategies for family and community engagement around positive school culture and bullying prevention awareness should be incorporated into the family engagement section of the Comprehensive School Plan (CSP).

## **VIII. Intervention**

Schools will be expected to provide ongoing training and professional development for bullying prevention. Training should include the proactive and positive strategies to prevent bullying as well as procedural guidelines and practices for responding appropriately to students who bully, are bullied, and are bystanders who report bullying.

Interventions include:

- Replacement behaviors and sensitivity training for the students exhibiting Bullying behaviors;
- A continuum of interventions targeted to prevent bullying by addressing social-emotional, behavioral, and academic needs of student who bully;
- Identifying community and mental health resources for students who repeatedly bully in spite of interventions and for those students involved as perpetrators, victims, or witnesses;
- Support counseling for the victim with protection from retaliation and further episodes of bullying;
- Developing “safe space” and “safe people” resources within the school;
- Designing intensive intervention plans for the bully and victim through the Student Support Team (SST) process.

## **IX. Consequences and Progressive Discipline**

DCPS is committed to helping students learn the expectations and rules for appropriate school behavior and places a heavy emphasis on teaching, prevention, and intervention to prevent inappropriate behavior. Consequences should include the least severe response with an emphasis on changing, managing, and teaching replacement behaviors. Consequences for students committing acts of bullying, harassment, or intimidation and for students engaged in reprisal or retaliation and for students found to have made false accusations should be

consistently and fairly applied after appropriate investigation has determined that such an offense has occurred.

Bullying in DC is currently a Tier 3 infraction, per Chapter 25, and can result in a variety of consequences. Schools are encouraged to determine and implement consequences and progressive discipline actions consistent with DCPS policies and procedures. The following list of consequences are provided as a guide:

- Verbal redirection/reprimand
- Teacher/student conference
- Administrator/student conference
- Parental contact (written or by phone)
- Parent conference
- Temporary Removal of Student from Classroom
- Behavior contract
- In-School Disciplinary Action
- In school suspension
- Out of school suspension

While school administrators have discretion in applying consequences, the intention of the consequence should be to:

- Appropriately correct the bullying behavior,
- Prevent another occurrence of the bullying or retaliation,
- Protect the target of the bullying, and
- Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the nature of the incident, developmental age of the person bullying, and any history of problem behavior from the person bullying.

## **X. Professional Development and Training**

Principals will be required to establish and provide annual professional development programs to educate teachers and school staff about Bullying prevention and strategies for promoting a positive school climate. OYE will serve as a resource for school-based professional development and will work with central office departments to provide training for non-school staff such as coaches, bus drivers and resource officers.

DCPS recognizes that in addition to training, staff members require ongoing professional development to build the tools and knowledge needed to prevent, identify, and respond to incidents of bullying. OYE will publicize resources, best practices, and relevant training opportunities as they become available.

## **XI. Reporting Incidents of Bullying**

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel. DCPS expects all staff members and volunteers to report incidents of bullying or retaliation they witness or are made aware of to the principal or the principal's designee. See Section XIV below for further information.

Students who have been bullied or are aware of incidents of bullying should be encouraged to report this behavior to the principal or principal's designee.

Parents or other adults who are aware of incidents should be encouraged to report this behavior to the principal or principal's designee.

Reports may be made anonymously but disciplinary action by the principal or principal's designee cannot be taken solely on the basis of an anonymous report, though such a report may trigger an investigation.

DCPS will ensure that there are reporting materials available in a wide variety of languages and that information about reporting is communicated to students and families through the school in a variety of formats. Each school principal or principal's designee is available to assist in reporting incidents as is the Director of Discipline and School Culture located in OYE at DCPS Central Office, 1200 First Street, NE, 8<sup>th</sup> Floor, Washington, DC 20002.

### **Reporting Procedures**

1. All reports must be written using the DCPS approved Bullying Incident Reporting form. (Appendix B)
2. Reports must be promptly investigated by the principal or principal's designee.
3. The principal or principal's designee will determine whether bullying actually occurred by taking steps to verify who committed the act of bullying and whether others played a role in perpetuating the act.
4. Efforts should be made to increase the confidence and trust of the victim and any witnesses.
5. The principal or principal's designee will notify parents/guardians of the victim and offender.
6. The principal or principal's designee will apply consequences and/or interventions consistent with due process rights as outlined in Chapter 25.

7. The principal or principal's designee will create a written record of the incident, disciplinary actions taken, as well as statements from the victim, witnesses, and offender.

## **XII. Investigating Incidents of Bullying**

Prior to the investigation of an incident, the principal or principal's designee will take steps to ensure the safety of the alleged victim referenced in a reported bullying incident. These steps will be designed to restore a sense of safety to the victim and to protect them from further incidents if necessary. Examples of such steps taken include designating a staff member to serve as that alleged victim's "safe" person, altering the alleged bully/bullies seating or schedule to reduce access to the alleged victim or creating a safety plan in consultation with the alleged victim. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the victim from additional incidents of Bullying or retaliation.

Once the principal or the principal's designee has received a report of bullying, the following groups will be notified as needed:

- Parents and guardians: The principal or principal's designee will notify the parents or guardians of victims, bullies, and if appropriate, witnesses to an incident or bullying behavior about the nature of the incident and the procedures and steps in place for responding to it. The principal or principal's designee will determine if parents or guardians should be informed prior to or after the investigation of an incident.
- Law enforcement agencies: If the principal or the principal's designee determines that the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. As part of making this determination, the principal or principal's designee may wish to consult with either a law enforcement or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.

The principal or principal's designee will notify these groups of incidents of bullying only to the extent allowed by law. Notification will be undertaken solely to ensure that services are provided to victims and bullies and to protect victims from further or sustained victimization. The principal or principal's designee will make every effort to protect the confidentiality of those who report bullying incidents.

The principal or principal's designee is responsible for investigating reports of bullying. An investigation of an incident will be initiated no more than one day after a report of Bullying is

received and will conclude no later than 30 days after the receipt of such a report. As part of the investigation, the principal or principal's designee will interview any involved or relevant parties including alleged victims, bullies, witnesses, staff, parents or guardians.

The principal or principal's designee will provide confidentiality as far as possible to relevant parties as part of the investigation, and inform all relevant parties that retaliation for reporting acts of bullying is prohibited. Written records of the investigation process should be maintained and may be included in the prevention database to generate a more accurate picture of Bullying behaviors at DCPS. Where necessary, provisions will be made to include the advice of legal counsel.

In investigating an incident of bullying, the principal or principal's designee will seek to ensure that the reported incident is one of victimization, a sign of bullying, rather than a conflict. When investigating a reported incident, the principal or principal's designee will attempt to determine, through interviewing the victim, what resources the victim had and has access to for halting the incident that occurred and preventing future such instances. If the victim reports few or no resources for ending the incident or constructively dealing with future instances, that information will serve as compelling, though not conclusive, evidence that the reported incident was an incident of bullying.

The principal or principal's designee is charged with making determinations as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident. If the principal or principal's designee determines that an incident of bullying has occurred, he/she should take the proactive measures to prevent the recurrence of an incident and restore the safety of the victim.

If the principal or principal's designee determines that additional support is needed to conduct a thorough and equitable investigation, he/she will contact the Director of Discipline and School Culture in the Office of Youth Engagement.

### **XIII. Protection Against Retaliation**

The school principal or principal's designee will take appropriate steps to protect any person - student or non-student, accused or accuser, etc. - from retaliation when they report, file a complaint of, are the subject of a complaint, or cooperate in an investigation concerning a violation of the DCPS Bullying Prevention Policy. An employee, volunteer, or student who promptly and in good faith reports an incident of, or information on, bullying in compliance with this policy shall be immune from a cause of action for damages arising from the report. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to disciplinary and other corrective action, which could include long-term suspension, exclusion or expulsion.

#### **XIV. Formal Complaints and Appeals**

Parties wishing to submit a formal complaint related to bullying or harassment, or wishing to appeal a determination made by DCPS regarding a bullying or harassment incident because they are not satisfied with the outcome of DCPS' initial investigation, may do so according to the Student Grievance Procedures contained in 5-B DCMR § 2405 or the Third-Party Grievance Procedures contained in 5-E DCMR § 405. A copy of these grievance procedures is available in the Appendix. Additionally, upon the receipt of a formal complaint, the receiving party must inform the party making the submission of their ability to seek additional redress under the DC Human Rights Act.

Parties of the accused dissatisfied with the outcome of a disciplinary action stemming from an allegation of bullying or harassment may appeal the decision through the student discipline appeal process in Chapter 25, which is also available in the Appendix.

# APPENDIX

## APPENDIX A: Resource Links

### **Mayor’s Bullying Prevention Model Policy**

*ohr.dc.gov/Bullyingprevention.policy*

### **D.C. Municipal Regulations**

*dcregs.dc.gov*

### **DCPS Chapter 25 Student Discipline Policy**

*dc.gov/DCPS/Files/downloads/In-the-Classroom/DCPS-Chapter-25-Tiers*

### **U.S. Department of Health and Human Services**

*stopBullying.gov*

### **Pacer’s National Health Bullying Prevention Center**

*Pacer.org/Bullying/*

### **Health Education Resources of the Office of the State Superintendent of Education (OSSE)**

<http://psse.dc.gov/service/health-education-resources>

### **The Anti-Defamation League – Combat Bullying Tools and Resources**

*adl.org/combatBullying/*

### **Olweus Bullying Prevention**

*Violencepreventionworks.org/public/olweus*



## APPENDIX B: DCPS Sample Bullying Incident Report

### Personal Information

1. (Optional) Name of person completing the report \_\_\_\_\_  
Please note that a report of Bullying may be made anonymously. However, no disciplinary action will be taken solely in response to an anonymous report. The report may be made the basis for an investigation that supplies additional information needed to undertake disciplinary action.

2. You are the:

a. Victim of this behavior: \_\_\_\_\_

b. Witness to an incident: \_\_\_\_\_

3. You are the:

a. Student \_\_\_\_\_

b. Parent/Guardian \_\_\_\_\_

c. Staff member (please specify): \_\_\_\_\_

d. Other (please specify): \_\_\_\_\_

4. (Optional) Your contact information:

a. Phone: \_\_\_\_\_

b. Email: \_\_\_\_\_

### Incident Information

Name(s) of victim:

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Name(s) of bully:

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### Date and Time of Incident

Date: \_\_\_/\_\_\_/\_\_\_

Time: \_\_\_\_\_: AM/PM

**Type of Aggression**

Please check all that apply to this incident:

- Verbal \_\_\_\_\_
- Physical \_\_\_\_\_
- Written \_\_\_\_\_
- Cyber Bullying \_\_\_\_\_
- Relational \_\_\_\_\_

**Location of the Incident**

Please check all that apply to this incident:

- Classroom \_\_\_\_\_
- Hallway \_\_\_\_\_
- Playground \_\_\_\_\_
- Cafeteria \_\_\_\_\_
- Bathroom \_\_\_\_\_
- Gymnasium \_\_\_\_\_
- On the Way to School \_\_\_\_\_
- Other campus location (please specify): \_\_\_\_\_

Off-Campus location (Cyber Bullying) \_\_\_\_\_

Off- Campus location (Verbal/Physical – please specify): \_\_\_\_\_

**Witnesses** (Please list people who have information about the incident):

Name: \_\_\_\_\_ Student: \_\_\_\_\_ Staff: \_\_\_\_\_ Other, specify: \_\_\_\_\_

Name: \_\_\_\_\_ Student: \_\_\_\_\_ Staff: \_\_\_\_\_ Other, specify: \_\_\_\_\_

Name: \_\_\_\_\_ Student: \_\_\_\_\_ Staff: \_\_\_\_\_ Other, specify: \_\_\_\_\_

**Context**

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## Appendix C- Student Grievance Procedure

- 2405.1 The grievance procedure set forth in this section shall apply to all grievances or complaints brought for any suspected violation of the following laws:
- (a) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
  - (b) Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination on the basis of disability;
  - (c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
  - (d) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin;
  - (e) The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and disability; or
  - (f) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.
- 2405.2 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:
- (a) Where it is alleged that any student or group of students is being denied access to an adequate educational opportunity;
  - (b) Where it is alleged that the rights of students, or any individual student, are being denied or abridged;
  - (c) Where it is alleged that any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
  - (d) Where it is alleged that any student is being denied participation in any school activity for which the student is eligible;
  - (e) Where a student is a victim of bullying or harassment, including sexual harassment; and

- (f) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.

2405.3 A student who has been suspended or expelled from school shall not bring a grievance pursuant to this section, but may file an appeal according to the procedure in chapter B 25.

2405.4 An individual bringing a grievance about an issue set forth in § B 2405.1 or B 2405.2 shall follow the procedures contained in this section. An individual who is a victim of bullying or harassment, including sexual harassment, may follow these procedures or the procedures in § B 2405.5. A grievance may be filed by a parent or guardian on behalf of a student, as consistent with § B 2401.15 of this Chapter.

- (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or administrator other than the principal or official in charge of the program or activity, that person shall advise the principal or official in charge of the program or activity of the nature of the complaint.
- (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
- (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem through informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
- (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint.
- (e) A grievant who is dissatisfied with the outcome of -- or chooses not to use -- the informal process, may file a written grievance with the principal or other responsible school official. Written grievances must be filed within forty-five (45) calendar days of the incident or circumstance being grieved or ten (10) calendar days of the completion of the informal process, if any, whichever is longer. The timeframes for submission shall be tolled in instances where the grievant did not comprehend or was not aware of the harassment.
- (f) All complaints should include the following information, to the extent that is known by the grievant:

- (1) The name, grade, and school attended by the student;
  - (2) The date, approximate time, and location of the incident;
  - (3) The type of bullying or harassment that was involved in the incident;
  - (4) The identity of the person(s) who committed the alleged acts of harassment;
  - (5) If the alleged harassment was directed towards other person(s), the identities of such persons;
  - (6) Whether any witnesses were present, and their identities; and
  - (7) A specific factual description of the incident, including any verbal statements or physical contact.
- (g) The principal or other school official shall attempt to resolve the written grievance by beginning a formal investigation, including but not limited to conducting conferences with the grievant(s), students, parents, teachers, other school officials, and other involved parties and, when applicable, consultation with legal counsel, the Title IX Coordinator or the Section 504 Coordinator. The investigation shall also include the examination of any information submitted by the grievant and interviews with any witnesses identified by the grievant. The appropriate Instructional Superintendent shall be informed of the written grievance and investigation and may be consulted by the principal or other school official in an attempt to resolve the grievance.
- (h) The principal or other school official who investigates a written grievance shall provide a written response to the grievant and the Instructional Superintendent.
- (i) The written response shall be provided within ten (10) school days of the receipt of the written grievance; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame.
- (j) If the grievant is not satisfied with the response of the principal, the grievant may file an appeal with the Instructional Superintendent with jurisdiction over the school which the student attends or the grievance arose. If the Instructional Superintendent issued the initial response, the grievant may file an appeal with another school official designated by the Chancellor. The appeal shall be filed within ten (10) calendar days of receipt or notice of the initial response.
- (k) The Instructional Superintendent or other designee shall attempt to resolve the grievance by reviewing the principal's investigation and findings, and conducting

further investigation of the grievance, including meeting with all involved parties and consulting with legal counsel as appropriate.

- (l) The written response shall be provided within ten (10) school days of the receipt of the appeal.
- (m) If the grievant is not satisfied with the response or the Instructional Superintendent or other designee is unable to achieve an adequate resolution, either the grievant or the Instructional Superintendent, or other designee may, within ten (10) calendar days of the written response, request that the grievance be brought before a grievance review panel to ensure appropriate and fair resolution of the grievance. The panel shall be comprised of three (3) persons appointed by the Chancellor or designee, and may include the Section 504 Coordinator, the Title IX Coordinator, individuals from the DCPS Office of Compliance, Office of the General Counsel, other Instructional Superintendents or school officials, and other disinterested persons with training and knowledge about the issues raised by the grievance.
- (n) In all cases brought before the review panel, the panel shall provide the Instructional Superintendent, or other designee with written findings and recommendations for suggested implementation by the Instructional Superintendent, or other designee and the principal. The findings and recommendations shall be issued within ten (10) school days of receipt by the panel of the request referenced in § B 2405.4 (m).
- (o) Within five (5) days of receipt of the findings and recommendations, the Instructional Superintendent, or other designee shall issue a final administrative decision, which shall be the final administrative decision of the school system. The Instructional Superintendent or other designee shall provide written notice of the decision to the grievant, the principal, and, if appropriate, the grievant's parent or guardian.
- (p) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.
- (q) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing the procedures contained in this section. See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.

- 2405.5 A grievant who is a victim of bullying or harassment, including sexual harassment, by an employee, students, or third parties may, at his or her option, choose to follow this procedure to resolve his or her complaint:
- (a) An individual who is a victim of bullying or harassment may complain orally or in writing to any teacher, administrator, or counselor.
  - (b) If the grievant files his or her complaint orally, the teacher, administrator, or counselor shall prepare a written report of the conversation with the grievant. If the grievant complains in writing, it may be in any form. All complaints should include the following information, to the extent that is known by the grievant:
    - (1) The name, grade, and school attended by the student;
    - (2) The date, approximate time, and location of the incident;
    - (3) The type of bullying or harassment that was involved in the incident;
    - (4) The identity of the person(s) who committed the alleged acts of harassment;
    - (5) If the alleged harassment was directed towards other person(s), the identities of such persons;
    - (6) Whether any witnesses were present, and their identities; and
    - (7) A specific factual description of the incident, including any verbal statements or physical contact.
  - (c) All complaints and information contained therein will be kept confidential to the extent provided by law.
  - (d) The complaint shall be reported to the principal no later than the end of the next school day following the report of the complaint. The teacher, administrator, or counselor shall report complaints of severe or pervasive bullying or harassment no later than the end of the school day that the report of the complaint was made.
  - (e) If any principal, administrator or other school employee responsible for overseeing or investigating bullying or harassment complaints are implicated in the complaint, or have any actual or perceived conflict of interest, the complaint will be filed with the Instructional Superintendent with jurisdiction over the school the student attends or at which the grievance arose for action.

- (f) The principal is responsible for ensuring that all complaints are properly investigated and processed in accordance with these procedures, but may delegate responsibility for processing bullying and harassment complaints. The principal or designee shall take the following actions:
- (1) Within one (1) school day – schedule and complete a confidential discussion of the allegations with the grievant. The subject of the allegations shall not be notified or be present during such discussion.
  - (2) Within ten (10) school days – the principal or designee shall complete his or her investigation and prepare a written report that includes a finding as to whether the allegations of bullying or harassment are substantiated; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame. The investigation shall include, but not be limited to, the following matters: 1) interview with the grievant; 2) interview with the alleged victim (if not the grievant); 3) interviews with the subject(s) alleged to have committed the harassment or bullying; 4) interviews with employees and others (including students) who have knowledge of the facts alleged in the complaint (including those identified by the student who filed the complaint); and 5) review of all pertinent records (including those identified by the grievant). The report shall reflect the results of the investigation and shall be provided to all parties to the complaint. The report shall include a description of any follow up actions taken or to be taken, including any intervention or disciplinary actions (to the extent permitted by the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. §99.1 *et seq.*).
  - (3) If the grievant is dissatisfied with the findings or actions contained in the report, the grievant may file a written grievance with the Instructional Superintendent with jurisdiction over the school the student attends or the location at which the grievance arose within ten (10) calendar days of the issuance of the principal's report. If such a grievance is filed, the process specified in §§ 2405.4(k)-2405.4(o) shall apply.
- (g) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.
- (h) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing the procedures contained in this section. See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.



- 2405.6 The final decision of the Instructional Superintendent shall be the final administrative decision of the school system.
- 2405.7 Copies of the final decision shall be given to all parties.
- 2405.8 A copy of the Instructional Superintendent's final decision shall be sent to the Chancellor and the Chief of Schools.
- 2405.9 No grievant shall be subject to any retaliation from any teacher or school official. A grievant may use these procedures to complain of retaliation by students, teachers, or employees.

## Appendix D- Third Party Grievance Procedure (includes parents)

- 405.1 The grievance procedure set forth in this section shall apply to all grievances or complaints brought for any suspected violation of the following laws:
- (a) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
  - (b) Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination on the basis of disability;
  - (c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
  - (d) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin;
  - (e) The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and disability; or
  - (f) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.
- 405.2 The grievance procedure set forth in this section shall apply to all grievances filed by any individual other than a student or employee of the District of Columbia Public Schools. This includes but is not limited to parents, guardians, and school visitors. Grievances and complaints regarding students shall be governed by the procedures contained in Chapter B 24 of this Title. Grievances and complaints regarding employees shall be governed by Chapter E 8 of this Title.
- 405.3 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:
- (a) Where it is alleged that the rights of an individual are being denied or abridged;

- (b) Where it is alleged that any individual is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- (c) Where an individual is a victim of bullying or harassment, including sexual harassment; and
- (d) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.

405.4 No individual shall be discriminated against, or otherwise subjected to retaliation, on the basis of an individual's filing of a grievance pursuant to this section or an individual's participation in a grievance process.

405.5 An individual bringing a grievance about an issue set forth in § E 405.1 or § E 405.3 of this section shall follow the procedures contained in this section. A grievance may be filed on behalf of another individual by attorney or an authorized representative.

- (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or administrator other than the principal or official in charge of the program or activity, that person shall, with the permission of the grievant, advise the principal or official in charge of the program or activity of the nature of the complaint.
- (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
- (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem through informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
- (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint. The appropriate Instructional Superintendent shall be informed of the informal grievance and investigation and may be

consulted by the principal or other school official in an attempt to resolve the grievance.

- (e) A grievant who is dissatisfied with the outcome of -- or chooses not to use -- the informal process, may file a written grievance with the Instructional Superintendent with jurisdiction over the school or other responsible school official. Written grievances must be filed within forty-five (45) calendar days of the incident or circumstance being grieved or ten (10) calendar days of the completion of the informal process, if any, whichever is longer. The timeframes for submission shall be tolled in instances where the grievant did not comprehend or was not aware of the harassment.
- (f) All complaints should include the following information, to the extent that is known by the grievant:
  - (1) The name and address of the grievant;
  - (2) The grievant's affiliation with the school (parent, guardian, volunteer or other);
  - (3) The date, approximate time, and location of the incident;
  - (4) The type of bullying or harassment that was involved in the incident;
  - (5) The identity of the person(s) who committed the alleged acts of harassment;
  - (6) If the alleged harassment was directed towards other person(s), the identities of such persons;
  - (7) Whether any witnesses were present, and their identities; and
  - (8) A specific factual description of the incident, including any verbal statements or physical contact.
- (g) The Instructional Superintendent or other school official shall attempt to resolve the written grievance by beginning a formal investigation, including but not limited to conducting conferences with the grievant(s), students, parents, teachers, other school officials, and other involved

parties and, when applicable, consultation with legal counsel, or the Section 504 Coordinator. The investigation shall also include the examination of any information submitted by the grievant and interviews with any witnesses identified by the grievant.

- (h) The Instructional Superintendent shall provide the grievant with the evidence or documentation presented by the school and shall give the grievant the opportunity to rebut such evidence.
- (i) The Instructional Superintendent or other school official who investigates a written grievance shall provide a written response to the grievant and the school principal.
- (j) The written response shall be provided within ten (10) school days of the receipt of the written grievance; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame.
- (k) If the grievant is not satisfied with the response of the Instructional Superintendent, the grievant may file an appeal with another school official designated by the Chancellor. The appeal shall be filed within ten (10) calendar days of receipt or notice of the initial response.
- (l) The designated school official shall attempt to resolve the grievance by reviewing the Instructional Superintendent's investigation and findings, and conducting further investigation of the grievance, including meeting with all involved parties and consulting with legal counsel as appropriate.
- (m) The designated school official shall provide a written response to the grievant and the school principal within ten (10) school days of the receipt of the appeal.
- (n) If the grievant is not satisfied with the response or the designated school official is unable to achieve an adequate resolution, either the grievant or designated school official may, within ten (10) calendar days of the written response, request that the grievance be brought before a grievance review panel to ensure appropriate and fair resolution of the grievance. The panel shall be comprised of three (3) persons appointed by the Chancellor or designee, and may include the Section 504 Coordinator, the Title IX Coordinator, individuals from the DCPS Office of Compliance, Office of the General Counsel, other Instructional

Superintendents or school officials, and other disinterested persons with training and knowledge about the issues raised by the grievance.

- (o) In all cases brought before the review panel, the panel shall provide the designated school official with written findings and recommendations for suggested implementation by the Instructional Superintendent and the principal; a copy of the written findings and recommendations shall also be issued to the grievant. The findings and recommendations shall be issued within ten (10) school days of receipt by the panel of the request referenced in §E405.5 (n) of this Section.
- (p) Within five (5) days of receipt of the findings and recommendations, the designated school official shall issue a final administrative decision, which shall be the final administrative decision of the school system. The designated school official shall provide written notice of the decision to the grievant, the Instructional Superintendent, and the principal, and if appropriate, the grievant's attorney or authorized representative.
- (q) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.
- (r) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing or following the procedures contained in this section. Nothing in this section supersedes the rights or requirements for filing complaints with the District of Columbia Commission on Human Rights. See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.

## Appendix E-Chapter 25 Appeal Process for Suspensions:

- B2505.14 A student who has been suspended for fewer than eleven (11) days may appeal the Suspension as follows:
- (a) A Short-Term Suspension may be appealed to the principal.
  - (b) A Medium-Term Suspension may be appealed to a person designated by a Chancellor.
  - (c) All appeals must be made by the student's parent or guardian or the adult student, either orally or in writing to the principal or person designated by the Chancellor, as appropriate, no later than two (2) school days after receiving the notice of Suspension, and may be made prior to receiving formal written notice of the Suspension. An appeal made orally shall be put in writing by the person receiving the request.
  - (d) All appeals will be heard by the principal (for Short-Term Suspensions) or a person designated by the Chancellor (for Medium-Term Suspensions) no later than one (1) school day after the appeal is requested. Upon request of the adult student or minor student's parent or guardian, the time for the appeal may be extended up to three (3) school days. The appeal may be held by telephone upon request of the parent or guardian if necessary due to health, work, or childcare.
  - (e) The student and his or her parent or guardian may present evidence and ask witnesses to speak.
  - (f) At the conclusion of the conference, the principal or a person designated by the Chancellor, as appropriate, shall render a final decision.
  - (g) No more than one (1) school day after the conference, the principal or a person designated by the Chancellor, as appropriate, shall give the student and his or her parent or guardian, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings, including the final decision.
- B2505.15 A student who has been suspended for eleven (11) days or more or who has been concerning the alleged infraction until the conclusion of the school year immediately following the incident.

- B2507.7 Long-Term Suspension may be appealed directly to the head of the Office of Youth Engagement:
- (a) A parent or guardian, or adult student who wishes to appeal a Long-Term Suspension to the head of the Office of Youth Engagement must submit a written or oral request to appeal the proposed Long-Term Suspension within five (5) school days of receiving notification of the Long-Term Suspension. If the request is made orally, it shall be recorded in writing by the person receiving the request.
  - (b) Upon receipt of an appeal, the head of the Office of Youth Engagement shall schedule a conference with the parent or guardian, or adult student, to be held within three (3) school days of receiving the appeal request.
  - (c) During the conference, the parent or guardian, or adult student, may present arguments in support of his or her appeal. The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student. The appeal may be held by telephone upon request of the parent or guardian. The conference may be recorded by any of the parties.
  - (d) No more than two (B2) school days after the conclusion of the conference, the head of the Office of Youth Engagement shall render a final decision. The head of the Office of Youth Engagement shall provide the parent or guardian, or adult student, and a person designated by the Chancellor, a written summary of the conference proceedings and decision.
- B2507.8 If the head of the Office of Youth Engagement has authorized Expulsion for violating the Gun-Free Schools Act, the parent or guardian or adult student may appeal the decision to the Chancellor pursuant to the process outlined in § B2507.9. The decision of the Chancellor shall be final and shall be provided in writing to the parent or guardian, or adult student, person designated by the Chancellor, and the principal of the school from which the student was expelled.
- B2507.8 Notwithstanding the other provisions of this section, a person designated by the Chancellor may, at his or her discretion, initiate Expulsion action without the recommendation of a principal or designee.
- B2507.9 An Expulsion may be appealed directly to the Chancellor.
- (a) A parent or guardian, or adult student who wishes to appeal an Expulsion directly to the Chancellor must submit a written or oral request to appeal the proposal within five (5) school days of receiving notification of the Expulsion. If the request is made orally, it shall be recorded in writing by the person receiving the request.



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

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

(d) No more than two (B2) school days after the conclusion of the conference, the Chancellor shall render a final decision. The Chancellor shall provide the parent or guardian, or adult student, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings and his or her final decision.

#### **B2508 REVIEW BY THE CHANCELLOR**

- B2508.1 The Chancellor may review, at his or her discretion, any proposed disciplinary action. If the Chancellor determines that disciplinary action is not warranted, the determination shall include a statement ordering the destruction of all school records of the disciplinary action, including any reports of the disciplinary action that relate to the incident upon which the action was based, provided that, from the facts presented, it is determined that there was no violation of any DCPS rule or policy, insofar as those reports individually identify the student.
- B2508.2 With respect to all disciplinary actions, the Chancellor may overrule or modify any proposed disciplinary action including Expulsion. The Chancellor shall provide written justification for any modification of disciplinary action.