



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

August 2015

Chief of Schools Guidance Regarding Select Chapter 25 Provisions,  
Behavior and Disciplinary Responses (version 1.0)

**Responsible Office(s):**

Office of the Chief of Schools/Youth Engagement (COS/OYE)

Discusses District of Columbia Municipal Regulations B2500 approved by City  
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## Message from the Chief of Schools

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We are very excited to announce the completion of a yearlong effort aimed at eliminating ambiguity and providing clarity regarding Subtitle 5-B, Chapter 25 of the District of Columbia Municipal Regulations (DCMR) – Student Discipline (“Chapter 25”). The guidance that follows is the direct result of an ongoing internal work group comprised of school chiefs, superintendents, principals, deans, and several offices within central administration, including the Office of Specialized Instruction, School Operations, and the Office of Youth Engagement. Our intention is to ensure disciplinary responses are as objective and measured as possible, which will ensure appropriate responses are assigned to each behavior.

As a school district, we continue to focus on implementing an intentional approach to addressing student behavior; including how and when we impose the more severe disciplinary responses (e.g. long-term suspension). This requires a high level of commitment by both central office and school-based officials. In a continuing collaborative effort to support innovative ways to address negative behavior, we are adjusting our approach to how DCPS responds to student behavior. This includes both the disciplinary responses to negative behaviors and how positive behavior is acknowledged and recognized.

With this revised approach to behavior, we are making a definitive statement that we will make every effort possible to work with our students to address challenging behaviors and give each of them the opportunity to have full access to the world-class education that DCPS provides.

Please make every effort to not only digest this guidance, but to also ensure that, moving forward, it is directly applied by you and others.

## The Need/Background

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Chapter 25 was enacted in August 2009 after an extensive internal and external collaboration aimed at reviewing and revising DCPS policies that address student behaviors and appropriate disciplinary responses. The underlying purpose of that revision was to ensure proper application of student discipline rules and due process protections for students and families.

Since implementation of Chapter 25 in 2009, the Office of Youth Engagement has received feedback from principals, teachers, students, parents, educational advocates and other community stakeholders. A majority of that feedback recommended that DCPS clarify certain language in Chapter 25 and provide specific student behavior examples that will encourage school officials to more narrowly apply disciplinary rules to student behaviors.

Accordingly, a behavior should align with one of the examples provided in this document for discipline to be considered applicable. In addition, the Student Behavior Tracker (SBT) which is the official data base of record for DCPS regarding discipline and due process, will include drop boxes ensuring each clarifying example is provided during incident entry moving forward.

## Philosophy and Approach

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### **DCPS PHILOSOPHY AND APPROACH TO STUDENT BEHAVIOR AND DISCIPLINE SAFE AND EFFECTIVE LEARNING ENVIRONMENT**

DCPS encourages school officials to implement re-direction, mediation, parent involvement, counseling, or other appropriate alternatives to suspension when responding to student behavior issues, particularly when responding to non-violent negative behaviors. The only exception is when a negative behavior is so severe that it can't be addressed through one of these intervention alternatives. We encourage schools to work hard to ensure all intervention alternatives have been exhausted when proposing a suspension for a Tier III or higher behavior. Moreover, it is each school's responsibility to ensure that the default philosophy and approach moving forward is to always consider entering a behavior in the lowest tier possible and only consider applying tier behaviors which automatically result in suspension when absolutely necessary.

## Summary of Clarified Behaviors

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The following summarizes commonly seen Chapter 25 behaviors that we seek to clarify in the following pages. Nothing in this document should be construed as a revision of Chapter 25 in any way. Rather, this document is intended to provide guidance to principals and other staff who are tasked with applying these disciplinary regulations in schools.

### **B2502.2 - Tier II behaviors**

(4) Non-compliance with approved dress code/uniform policy

### **B2502.3 - Tier III behaviors**

(5) Use of Alcohol

(6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia

(7) Unauthorized Possession, Use, or Distribution of over-the-counter medication

(9) Obscene, seriously offensive, or abusive language or gestures

(10) Causing disruption on school property or at any DCPS-sponsored or supervised activity

(23) Engaging in reckless behavior that may cause harm to self or others

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

### **B2502.4 - Tier IV behaviors**

(6) Lewd or indecent public behavior of sexual misconduct

(7) Sexual Harassment

(9) Fighting which creates substantial risk or results in minor injury

(10) Inciting others to violence or disruption

### **B2502.5 - Tier V behaviors**

(9) Assault or physical attack on student or staff

(10) Fighting which results in a serious physical injury

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

## Clarifying Behavior Examples

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Below, please find the text of Tier II, III, IV, and V behaviors. For each infraction, DCPS has provided examples that are commonly seen in schools. When you complete a Student Behavior Tracker you should choose the example that is closest to the one listed below. If none of the infraction options match exactly, please select “other” and you will be prompted to enter a comment that explains the student’s behavior. Where appropriate, DCPS has also provided some practical tips for working through the disciplinary provisions of Chapter 25. This information should be construed as guidance only; none of the information in this packet rewrites or replaces the disciplinary provisions in Chapter 25.

### **B2502.2 - Tier II behaviors**

Tier II behaviors are those behaviors not specifically enumerated in any other tier in Chapter 25 that **cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others**. Tier II behaviors result in school-based and administrative disciplinary responses.

#### **B2502.2(a)(4)**

**Non-compliance with approved dress code/uniform policy.**

At schools, the examples we see most often are when the student

- Refuses to comply with the school’s dress code;
- Is provided a uniform and refuses to wear it;
- Refuses to pull up their pants; or
- Refuses to take off a hat or headphones.

### **B2502.3 - Tier III behaviors**

Tier III behaviors are those behaviors not specifically enumerated in any other tier in Chapter 25 that **cause significant disruption to the academic environment or cause harm to self or others**. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

#### **B2502.3(a)(5)**

**Use of alcohol**

#### **B2502.3(a)(6)**

**Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia.**

**B2502.3(a)(7)**

**Unauthorized possession, use, or distribution of over-the-counter medication.**

These three behaviors should be applied when a school official actually observes the student using alcohol or drugs and/or a reasonable judgment is made that the student has used alcohol or drugs prior to arriving at the school.

A few pointers:

- Wherever possible without endangering the safety of others, the impaired student should be allowed in the building and the school nurse should implement the “sobriety protocol.”
- You should immediately document in the student’s disciplinary file the observations that lead you to believe that the student is under the influence.

**B2502.3(a)(9)**

**Obscene, seriously offensive, or abusive language or gestures.** (See also Tier IV for clarification regarding sexual harassment).

At schools, the examples we see most often are

- Any type of grabbing of one’s private area;
- Use of middle finger to indicate an expletive;
- Use of arm to indicate an expletive;
- Flicking of chin to indicate an expletive;
- Singing a song/lyrics with expletive or vulgar language; and
- Sexually suggestive dancing/pranks, grinding, or pumping.

**B2502.3(a)(10)**

**Causing disruption on school property or at any DCPS-sponsored or supervised activity.**

At schools, the examples we see most often are

- Banging on lockers or other surfaces in a loud manner;
- Peeping in window;
- Yelling loudly;
- Throwing objects;
- Creating loud and disturbing noises;
- Refusing to comply with multiple requests to go to class;
- Disrupting the teacher, substitute teacher or another staff member in a manner that inhibits them from delivering instruction to their class; or
- Using social media in a manner that results in a disruption to the school environment.



**B2502.3(a)(23)**

**Engaging in reckless behavior that may cause harm to self or others.**

At schools, the examples we see most often are

- Pulling a chair from under another individual;
- Throwing chairs and other large objects;
- Play fighting;
- Fake jumping/attacking someone;
- Running/chasing others in the hallway; or
- Any prank that could or does lead to injury.

**B2502.3(a)(27)**

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

At schools, the examples we see most often are

*While in the hallway*

- Refusing to go to class after multiple requests;
- Intentionally running away from a staff member to avoid interaction or re-direction;
- Banging on lockers;
- Peeping in windows;
- Yelling loudly;
- Throwing objects; or
- Creating loud and disturbing noises.

*While in the classroom*

- Restricting the teacher from delivering instruction to their class;
- Creating loud and disturbing noises;
- Banging an object; or
- Banging on an object.

**B2502.4 - Tier IV behaviors**

Tier IV behaviors are those behaviors not specifically enumerated in any other tier in Chapter 25 that **cause disruption to the school operation, destroy school property, or cause significant harm to self or others.** Tier IV behaviors result in off-site Suspension.

**B2502.4(a)(6)**

**Lewd or indecent public behavior or sexual misconduct.**

At schools, the examples we see most often are

- Exposing genitalia;
- Exposing buttocks;
- Masturbation;
- Consensual sex;
- Group sex;
- Filming and/or re-broadcast of any sexual activity;
- Gropping/touching, fondling; or
- Sexting (unwanted viewing, exposure or targeting).

**B2502.4(a)(7)**

**Sexual Harassment** (Defined in the Chapter 25 definitions as deliberately harassing another person for sexual reasons or in a sexualized manner with unwanted attention, touching, or verbal comments such that the person is uncomfortable, intimidated, or threatened by the behavior).

At schools, the examples we see most often are

- Unwelcome sexual advances;
- Unwelcome requests for sexual favors; or
- Sexting/sending unwanted suggestive images including
  - Naked pictures;
  - Pictures of genitalia;
  - Pictures or video of a sexual nature; and
  - Sexually provocative meme's.

**B2502.4(a)(9)**

**Fighting which creates substantial risk of or results in minor injury.**

At schools, the examples we see most often are

- Fighting that requires any type of medical attention from the school nurse, but does not require medical attention from emergency personnel (i.e. DC FEMS); or
- Group fighting (more than two individuals fighting).

**B2502.4(a)(10)**

**Inciting others to violence or disruption.**

At schools, the examples we see most often are

- Verbally (by written, spoken, or electronic communication) persuading persons to harm others; or
- Verbally (by written, spoken, or electronic communication) persuading persons to hinder school operations.

### **B2502.5 - Tier V behaviors**

Tier V behaviors are those behaviors not specifically enumerated in any other tier in Chapter 25 that **are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others.** Tier IV behaviors result in off-site Suspension or Expulsion.

#### **B2502.5(a)(9)**

**Assault or physical attack on student or staff.**

At schools, the examples we see most often are

- Choking;
- Wrestling;
- Hitting;
- Spitting; or
- Other physical violence in which no weapon is involved.

#### **B2502.5(a)(10)**

**Fighting which results in a serious physical injury.**

At schools, the example we see most often is fighting that requires medical attention from emergency personnel (i.e. DC FEMS).

#### **B2502.5(a)(12)**

**Using an article not normally considered a weapon to cause harm to another individual.**

At schools, the examples we see most often are

- Using a pen/pencil to stab another (inflict harm);
- Throwing a book that hits and harms another;
- Using a bat or similar object to injure another; or
- Using any type of solid object to inflict harm.

Again, the above examples are meant to provide illustrations of the most common Tier II, III, IV, and V behaviors that we see in schools. This list is by no means meant to be exhaustive. It is being provided for general guidance only.

## Privacy and Confidentiality

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### Outside Media and Community Communication

School officials are obligated to comply with the Family Educational Rights and Privacy Act (FERPA), a federal law that protects the privacy of student educational records, which includes information from student disciplinary matters. Accordingly, all media inquiries regarding student discipline matters should be directed to the DCPS Press Secretary at (202) 535-1096. All other inquiries should be directed to the school principal.

## Frequently Asked Questions

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Frequently Asked Questions

***Q- What is Chapter 25?***

A- Chapter 25 is the discipline regulation for DCPS. It is part of the District of Columbia Municipal Regulations (*DCMR*)

***Q- How does it affect my child?***

A- Chapter 25 provides schools parameters for how they can administer discipline to students K-12.

***Q- Is this a change to the regulation/law?***

A- No. We are only providing guidance for how school officials should interpret the regulations and administer discipline, particularly suspensions that result in off-site suspensions.

***Q- Does Chapter 25 apply to charter schools as well?***

A- No, Chapter 25 only applies to DCPS.

***Q- Where can I get a copy of Chapter 25?***

A- Yes, It's available online. Here is the link. <http://dcps.dc.gov/page/attendance-and-behavior>

***Q- Why is DCPS providing this guidance?***

A- DCPS consistently seeks to maximize positive interactions between staff and students. In an effort to ensure that every student is given every chance to succeed, we are focusing on approaches to redirecting negative behavior beyond simply suspending a student off-site.