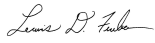


This K-12 Student Discipline Policy rescinds and supersedes all previous policy, memoranda, and/or guidance promulgated by DCPS on this subject matter.

Chancellor Approval:  _____

Effective: January 31, 2022

K-12 Student Discipline Policy: School Year 2021-22

I. PURPOSE AND SCOPE

The District of Columbia Public Schools (DCPS) is committed to ensuring every student feels loved, challenged, and prepared to positively influence society and thrive in life. At DCPS, we are committed to educating the whole child by providing rigorous, joyful, and inclusive academic and social emotional learning experiences to ensure all students are college and career ready. As a part of this commitment, DCPS works to create a learning environment that supports the whole child and ensures that every student has access to joyful and rigorous academic experiences. DCPS believes that schools should do everything they can to keep students in school and in class learning with their peers. Removing students from school, even for a day, should be viewed as a last resort, and schools should document all of the supports and interventions that they are implementing if they believe that the only option remaining is to refer a student for suspension or disciplinary unenrollment.

This policy conveys requirements related to K-12¹ student discipline for school year 2021-22 pursuant to the Student Fair Access to School Amendment Act of 2018, as amended by the Student Fair Access to School Clarification Amendment Act of 2019 (collectively, the Student Fair Access Act). The student discipline requirements contained in Chapter 25 of Subtitle 5-B of the District of Columbia Municipal Regulations ([Chapter 25](#)) that do not conflict with the Student Fair Access Act remain in effect, including the tiers that outline levels of behavior infractions. This policy seeks to clarify which portions of Chapter 25 have been modified by the Student Fair Access Act. For additional guidance on the intersection of student behavior and the coronavirus (COVID-19) health emergency, including interventions and supports related to mask wearing, social distancing, and virtual instruction, please access [this resource](#).

This policy rescinds and supersedes all previous policy, memoranda, and guidance promulgated by DCPS on this subject matter.

II. AUTHORITY AND APPLICABLE LAW²

Source	Citation
Federal Law	<ul style="list-style-type: none"> - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 <i>et seq.</i> - Gun-Free Schools Act, 20 U.S.C. § 4141(a)
Federal Regulations	<ul style="list-style-type: none"> - IDEA implementing regulations, 34 C.F.R. § 300 <i>et seq.</i>
District of Columbia Law	<ul style="list-style-type: none"> - Student Fair Access to School Amendment Act of 2018, D.C. Official Code § 38-236.01 <i>et seq.</i> - Expulsion of Students Who Bring Weapons into Public Schools Act of 1996, D.C. Official Code § 38-231 <i>et seq.</i>

¹ For requirements related to Pre-K students, please see the DCPS Early Childhood (ECE) Suspension Policies and Guidance (March 2015).

² Nothing in this policy will supersede federal, state, or local law.

District of Columbia Municipal Regulations	DC Public Schools (DCPS) - 5-B DCMR § 2500 <i>et seq.</i> – Student Discipline (Chapter 25)
---	--

III. KEY TERMS AND DEFINITIONS

Bodily injury means a cut, abrasion, burn, or disfigurement; physical pain; illness; impairment of the function of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary. (D.C. Official Code § 38-236.01(1))

Disciplinary unenrollment means the expulsion or involuntary transfer of a student from a school. (D.C. Official Code § 38-236.01(3))

Emergency removal means the immediate out-of-school suspension or disciplinary unenrollment of a student based on the school’s reasonable belief that the student’s presence poses an immediate and continuing danger to the other students or school staff. (D.C. Official Code § 38-236.01(4))

Emotional distress means mental suffering or distress that requires more than trivial treatment or counseling. (D.C. Official Code § 38-236.01(5))

Exclusion means the removal of a student from the student’s daily class schedule for disciplinary reasons and includes a suspension or disciplinary unenrollment. (D.C. Official Code § 38-236.01(6))

Expulsion means the denial of the right of a student to attend any DCPS school or program, including all classes and school activities, except DCPS alternative educational settings, for one (1) calendar year. (D.C. Official Code § 38-236.01(5); 5-B DCMR § 2599.2)

In-school suspension means temporarily removing a student from the student’s regular class schedule as a disciplinary consequence, during which time the student remains on school grounds under the supervision of school personnel who are physically in the same location as the student. (D.C. Official Code § 38-236.01(8))

Involuntary dismissal means the removal of the student from school attendance for less than half ($\frac{1}{2}$) of a school day for disciplinary reasons, during which time the student is not under the supervision of school personnel and is not allowed on school grounds. (D.C. Official Code § 38-236.01(9))

Involuntary transfer means the removal of a student from the student’s DCPS school of enrollment for disciplinary reasons for the remainder of the school year, or longer, and the student’s enrollment in another DCPS school. (D.C. Official Code § 38-236.01(10))

Out-of-school suspension means the temporary removal of a student from school attendance to another setting for disciplinary reasons, during which time the student is not under the supervision of the school’s personnel and is not allowed on school grounds. The term “out-of-school suspension” includes an involuntary dismissal. For students with disabilities, the term “out-of-school suspension” includes a removal in which no individualized family service plan (IFSP) or individualized education program (IEP) services are provided because the removal is ten (10) days or fewer as well as removals in

which the student continues to receive services according to the student's IFSP or IEP. (D.C. Official Code § 38-236.01(13))

Parent means a parent, guardian, or other person who has custody or control of a student. (D.C. Official Code § 38-236.01(14))

Student with a disability means a student who qualifies as a child with a disability under section 602(3) of the Individuals with Disabilities Education Act (118 Stat. 2652; 20 U.S.C. § 1401(3)). (D.C. Official Code § 38-236.01(18))

Suspension means an in-school or an out-of-school suspension. (D.C. Official Code § 38-236.01(19))

IV. REQUIREMENTS

A. General Criteria: Chapter 25

All requirements contained in Chapter 25³ that do not conflict with the Student Fair Access Act remain in effect, including the tiers that outline levels of behavior infractions. For a summary table of key requirements regarding out-of-school suspension lengths and the impact of the Student Fair Access Act, please see the appendices.

B. All Grade Levels

1. Restriction on Cumulative Days of Out-of-School Suspension

A student cannot be subject to out-of-school suspensions of more than **twenty (20) cumulative school days** during an academic year unless:

- The Chancellor provides a written justification to the student and parent describing why exceeding the 20-day limit is a more appropriate disciplinary action than alternative responses; or
- The student's conduct necessitated an emergency removal, and the Chancellor provides a written justification for the emergency removal to the student and parent.⁴

This prohibition does not apply to expulsions. For more information regarding expulsion, please see Section IV.B.8 below.

2. Prohibition on Informal Exclusion

A student cannot be removed from school or prohibited from returning to school for disciplinary reasons unless the student is subject to an out-of-school suspension or disciplinary unenrollment.⁵ To ensure compliance with this requirement, all exclusions from school must be documented in the School Behavior Tracker (SBT).

³ A current copy of Chapter 25 is available at: <https://dcps.dc.gov/chapter25>.

⁴ D.C. Official Code § 38-236.04(b)(3).

⁵ D.C. Official Code § 38-236.04(f).

3. Discipline of a Student with a Disability

School administrators must take special consideration regarding the exclusion of a student with a disability under the Americans with Disabilities Act (ADA) or the Individuals with Disabilities Education Act (IDEA).⁶ Schools must ensure that manifestation determination reviews are held whenever a proposed disciplinary action would result in a change of placement to a protected student. Protected students include any student who has not yet been determined to be eligible for special education services under the IDEA but for whom the student's parent or teacher has expressed specific concerns that the student may need special education or related services or has requested to be evaluated for special education services.⁷ All of a student's disabilities under the ADA or IDEA of which the school had knowledge must be considered in any manifestation determination review.⁸

4. Disciplinary Unenrollment

Except for students over 18 years of age at a school where more than half of the students are over 18 years of age, a student cannot receive an out-of-school suspension or disciplinary unenrollment for an unexcused absence or a late arrival to school, except that a student can be unenrolled if they have accumulated twenty (20) or more consecutive full-school-day unexcused absences.⁹

5. Right to Access Academic Work and Earn Credit During a Suspension

A student subject to a suspension cannot be denied the right to continue to access and complete appropriate academic work or to earn credit toward promotion or graduation during a suspension.¹⁰ Further, schools must include a plan for continuity of education for any suspended student, including a way to modify the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom. The plan must also include appropriate measures to ensure the student can continue schoolwork while out of school, communicate with school personnel regarding schoolwork, and make up any schoolwork that could not be completed during the student's suspension.¹¹

6. Return to School

A student's return to school upon conclusion of an out-of-school suspension must not be made contingent on a parent accompanying the student, attending a conference, or otherwise being present at the school.¹²

⁶ D.C. Official Code § 38-236.05; 20 U.S.C. § 1415(k); 34 C.F.R §§ 300.530-536; 5-B DCMR § 2510.

⁷ See 34 C.F.R. § 300.534; *but see also* 34 C.F.R § 300.534(c), explaining that DCPS is not required to conduct manifestation determination reviews if the parent of a child has not allowed an initial evaluation under IDEA or has refused special education and related services under IDEA; or the child has been evaluated under IDEA and determined to be ineligible.

⁸ D.C. Official Code § 38-236.05.

⁹ D.C. Official Code § 38-236.04(c).

¹⁰ D.C. Official Code § 38-236.04(d).

¹¹ D.C. Official Code § 38-236.03(b)(4).

¹² D.C. Official Code § 38-236.04(e).

7. Due Process

For purposes of due process, meaning the student is entitled to process protections that ensure fairness, including a disciplinary hearing pursuant to 5-B DCMR § 2506, a suspension of six (6) school days or more shall be considered a long-term suspension.¹³

8. Expulsion

The prohibitions on out-of-school suspensions in the Student Fair Access to Schools Act do not apply to expulsions. Expulsion for Tier V behaviors of Gun-Free Schools Act violations may be appealed under Chapter 25.

Pursuant to the Gun-Free Schools Act and D.C. law, and consistent with IDEA, DCPS is required to expel for at least one (1) year any student who brings a firearm to school.¹⁴ Expulsions for violations of the Gun-Free Schools Act may be appealed to, and may only be modified by, the Chancellor.¹⁵

C. Students in Kindergarten through Grade 5

1. Restrictions on Out-of-School Suspension Reasons

A student in grades K through 5 cannot receive an out-of-school suspension or be subject to disciplinary unenrollment unless a school administrator determines, consistent with school policy, that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds.¹⁶ Guidance regarding the application of this restriction to the tiers of behavior infractions that may result in an out-of-school suspension can be found in Appendix B.

2. Restrictions on Out-of-School Suspension Length

A student in grades K through 5 cannot receive an out-of-school suspension for any individual incident for longer than **five (5) consecutive school days**¹⁷ or more than **twenty (20) cumulative school days** during an academic year unless the criteria described in Section IV.B.1 above are met.¹⁸

D. Students in Grades 6 through 8

1. Restrictions on Out-of-School Suspension Reasons

A student in grades 6 through 8 cannot receive an out-of-school suspension or be subject to disciplinary unenrollment unless a school administrator determines, consistent with school policy, that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds.¹⁹ Guidance regarding the

¹³ D.C. Official Code § 38-236.04(g).

¹⁴ 20 U.S.C. § 4141(a); D.C. Official Code § 38-231.

¹⁵ D.C. Official Code § 38-231; 5-B DCMR § 2505 *et seq.*

¹⁶ D.C. Official Code § 38-236.04(a)(1).

¹⁷ D.C. Official Code § 38-236.04(b)(1).

¹⁸ D.C. Official Code § 38-236.04(b)(3).

¹⁹ D.C. Official Code § 38-236.04(a)(1).

application of this restriction to the tiers of behavior infractions that may result in an out-of-school suspension can be found in Appendix B.

2. Restrictions on Out-of-School Suspension Length

A student in grades 6 through 8 cannot be subject to an out-of-school suspension for longer than **ten (10) consecutive school days** for any individual incident²⁰ or more than **twenty (20) cumulative school days** during an academic year unless the criteria described in Section IV.B.1 above are met.²¹

E. Students in Grades 9 through 12

1. Restrictions on Out-of-School Suspension Reasons

A student in grades 9 through 12, except a student over 18 years of age at a school where more than half of the students are over 18 years of age, cannot receive an out-of-school suspension or be subject to disciplinary unenrollment for:

- Violating DCPS or school dress code or uniform rules;
- Willful defiance; or
- Behavior that happens off school grounds and not as part of a school-sponsored activity, unless the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.²²

2. Restrictions on Out-of-School Suspension Length

A student in grades 9 through 12, except for students over 18 years of age at a school where more than half of the students are over 18 years of age, cannot be subject to an out-of-school suspension for longer than **ten (10) consecutive school days** for any individual incident²³ or more than **twenty (20) cumulative school days** during an academic year unless the criteria described in Section IV.B.1 above are met.²⁴

V. POLICY IMPLEMENTATION REQUIREMENTS

All DCPS employees are required to comply with the requirements set forth in this policy. To support its implementation, principals are expected to make staff aware of required activities and timelines on an annual basis. Implementation of this policy will be reinforced through a central oversight process which includes regular data reviews, record sampling, reviews of underlying documentation, and site visits (as needed). This framework will ensure that we build a system of continuous improvement and prevent noncompliance.

²⁰ D.C. Official Code § 38-236.04(b)(2).

²¹ D.C. Official Code § 38-236.04(b)(3).

²² D.C. Official Code § 38-236.04(a)(2).

²³ D.C. Official Code § 38-236.04(b)(2).

²⁴ D.C. Official Code § 38-236.04(b)(3).

DCPS is committed to serving every student with equity, excellence, transparency, and accountability. For any concerns about or violations of this directive, contact the Office of the Chief Integrity Officer by completing the Online Referral Form²⁵ or sending an email to dcps.cio@dc.gov.

VI. CENTRAL SERVICES RESOURCES FOR SCHOOL LEADERS

A. Behavioral Support and Alternatives to Suspension

For guidance and support with questions, training, or implementation of behavioral supports and alternatives to suspension, please contact the Learning and Development Sciences (LDS) school culture and restorative practices team at LDS@k12.dc.gov. Schools should also leverage their Multi-Tiered Systems of Support (MTSS) to ensure students have favorable conditions for learning and are supported in developing social, emotional, and academic skills that can help them succeed. For support with MTSS, please contact your cluster's MTSS Specialist or the MTSS team at DCPS_MTSS@k12.dc.gov.

B. Data Entry

All exclusions, including in-school suspensions, must be documented in the School Behavior Tracker (SBT) within 24 hours. All absences due to exclusion must be accurately documented in Aspen daily. For key guidance and support with the SBT, please contact the student behavior team at LDS@k12.dc.gov. For guidance and support with Aspen, please contact the Helpdesk at 202-442-5717.

²⁵ Available at <https://dcps.dc.gov/page/office-integrity>.

Appendix A: Summary of Student Fair Access Act Suspension Length Requirements

Suspension Day Limitations by Grade Level

Grades	Maximum Out-of-School Suspension Length (Individual Incident)	Maximum Cumulative Out-of-School Suspension Days During Academic Year
K – 5	5 consecutive days	20 days*
6 – 8	10 consecutive days	20 days*
9 – 12	10 consecutive days	20 days*

* Exceptions: Chancellor justification or emergency removal as described in Section IV.B.1 above.

Summary of Permitted Exclusionary Discipline

	Grades K-5	Grades 6-8	Grades 6-12
Tier I	Suspension is not permitted under Chapter 25.		
Tier II	Suspension is not permitted under Chapter 25.		
Tier III	<ul style="list-style-type: none"> - Suspension is not required by Chapter 25. - In-school suspensions of 1-3 days are permitted. - Out-of-school suspensions of 1-3 days are permitted in limited circumstances.^ 	<ul style="list-style-type: none"> - Suspension is not required by Chapter 25. - In-school school suspensions of 1-5 days are permitted. - Out-of-school suspensions of 1-5 days are permitted in limited circumstances.^ 	<ul style="list-style-type: none"> - Suspension is not required by Chapter 25. - In-school school suspensions of 1-5 days are permitted. - Out-of-school suspensions of 1-5 days are permitted.
Tier IV	<ul style="list-style-type: none"> - Out-of-school suspensions of 1-5 days are permitted in limited circumstances.^ 	<ul style="list-style-type: none"> - Out-of-school suspensions of 1-10 days are permitted in limited circumstances.^ 	<ul style="list-style-type: none"> - Out-of-school suspensions of 1-10 days are permitted.
Tier V	<ul style="list-style-type: none"> - Out-of-school suspensions of 4-5 days are permitted in limited circumstances.^ 	<ul style="list-style-type: none"> - Out-of-school suspensions of 6-10 days are permitted in limited circumstances.^ 	<ul style="list-style-type: none"> - Out-of-school suspensions of 6-10 days are permitted.

^ For grades K-8, out-of-school suspensions are permitted only if a school administrator determines, consistent with school policy, that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds.

Appendix B: Student Fair Access Act Impact on Out-of-School Suspension Decisions for Grades K-8

A student in grades K through 8 cannot receive an out-of-school suspension or be subject to disciplinary unenrollment unless a school administrator determines, consistent with school policy, that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds (referred to in the chart below as the “Student Fair Access Criteria”).²⁶ The following charts provide guidance regarding the application of this restriction to the tiers of behavior infractions that may result in an out-of-school suspension.

Chapter 25-B Tier III Infractions	Out-of-School Suspension Permitted in Grades K-8?	
	No	Only if Student Fair Access Criteria Met
(1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails);	X	
(2) Sale or Distribution of any item without authorization;	X	
(3) Possession or Distribution of obscene or pornographic material on school premises;	Possession	Distribution
(4) Possession or Use of tobacco;	X	
(5) Use of alcohol;	X	
(6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;	X	
(7) Unauthorized Possession, Use, or Distribution of over-the-counter medication;	Possession or use	Distribution
(8) Verbal, written, or physical Threat to person or property (including intimidating postures);		X
(9) Obscene, seriously offensive, or abusive language or gestures;		X
(10) Causing disruption on school property or at any DCPS-sponsored or supervised activity;	X	
(11) Gambling;	X	
(12) Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language;		X

²⁶ D.C. Official Code § 38-236.04(a)(1).

K-12 Student Discipline Policy: School Year 2021-22

(13) Engaging in Sexual Acts on school premises or at school-related functions;	N/A*	N/A*
(14) Leaving school without permission;	X	
(15) Academic Dishonesty;	X	
(16) Forgery;	X	
(17) Lying to or giving misleading information to school staff;	X	
(18) Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone);		X
(19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs);		X
(20) Hazing;		X
(21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;		X
(22) Possession of tools or instruments which school administrators deem could be used as weapons;	X	
(23) Engaging in reckless behavior that may cause harm to self or others;	X	
(24) Extortion;		X
(25) Fighting where there is no injury and no weapon;	X	
(26) Trespassing;	X	
(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; and	X - Significant disruption to academic environment	X - Causes harm to self or others
(28) Documented Pattern of Persistent Tier II Behavior.	X	

* Chapter 25-B defines "sexual act" as any sexual act committed among two consenting parties. By law, children under age 16 cannot consent to sexual activity.

Chapter 25-B Tier IV Infractions	Out-of-School Suspension Permitted in Grades K-8?	
	No	Only if Student Fair Access Criteria Met
(1) Acts of vandalism, destruction of property, or graffiti (tagging);	X	
(2) Documented theft of school or personal property without force;	X	
(3) Interfering with school authorities or participating in a major disruption of the school's operation;	X	
(4) Tampering with, changing, or altering an official record or document of a school;	X	
(5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;		X
(6) Lewd or indecent public behavior or sexual misconduct;		X
(7) Sexual Harassment;		X
(8) Retaliation for reporting Harassment and Sexual Harassment;		X
(9) Fighting which creates substantial risk of or results in minor injury;		X
(10) Inciting others to violence or disruption;		X
(11) Activating False Alarm;		X
(12) Contaminating food;		X
(13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;		X
(14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;		X
(15) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the school operation, destroys school property, or causes significant harm to self or others; and	Disruption to School Operation (without harm to others) or Destruction of Property	Disruption to School Operation (with harm to others) or Causes Significant Harm to Self or Others
(16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).		X**

** Only if underlying Tier III behaviors meet Student Fair Access Criteria.

Chapter 25-B Tier V Infractions	Out-of-School Suspension Permitted in Grades K-8?	
	No	Only if Student Fair Access Criteria Met
(1) Acts of Exceptional Misconduct at other schools;		
(2) Vandalism/destruction of property over \$500;	X	
(3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;		X
(4) The Possession or Distribution of alcohol;	Possession	Distribution
(5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 <i>et seq.</i> (2001);	X	
(6) Causing serious disruption or damage to school’s computer systems, electronic files, or network;	X	
(7) Possession of fireworks or explosives;	X	
(8) Theft or attempted theft using force, coercion, intimidation, or Threat of violence;		X
(9) Assault or physical attack on student or staff;		X
(10) Fighting which results in a serious physical injury;		X
(11) Participating in group fight which has been planned, causes major disruption to school day or results in substantial bodily injury;		X
(12) Using an article that is not normally considered a weapon to injure another individual;		X
(13) Use, threatened use, or transfer of any weapon;		X
(14) Use, Possession, or bringing to school a loaded or unloaded firearm, as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols, blank pistols, starter pistols, revolvers, rifles, and shotguns;		X
(15) Any behavior that violates the Gun-Free Schools Act;		X
(16) Deliberate acts that cause severe physical injury to another person(s);		X
(17) Assault with a weapon;		X
(18) Commission or attempted commission of any act of sexual assault or sexual aggression;		X
(19) Arson;		X
(20) Biohazard;		X

(21) Bomb threat;		X
(22) Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which causes or attempts to cause severe physical injury, substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;		X
(23) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is illegal, causes significant disruption to the school operation, or causes substantial harm to self or others; and	Without harm to others	With harm to others
(24) Documented Pattern of Persistent Tier IV Behavior.		X***

*** Only if underlying Tier IV behaviors meet Student Fair Access Criteria.