

Safe and Positive Schools Policy

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. DCPS is committed to educating the whole child by providing rigorous, joyful, and inclusive social, emotional, and academic learning experiences to ensure all students are college and career ready. As a part of this commitment, DCPS works to promote safe and positive school environments. Grounded in the science of learning and development, DCPS prioritizes positive relationships to provide students with the support they need to build skills and develop social, emotional, and academic success. Excluding students from schools is generally a last resort, and DCPS instead implements layers of in-school intervention, support, and connection in order to create new and positive pathways of interaction and involvement.

DCPS seeks to create a safe and positive learning environment based on universal respect and proactive, restorative practices that promote positive social and emotional skills as well as meet students’ varied academic, behavioral, and developmental needs with tiered support and interventions. We aim to empower every student by elevating student voices, soliciting parent input, and fostering welcoming inclusive school communities that are respectful of all stakeholders as well as eliminating the disproportionality of incidents involving students of color. DCPS is continuing its work to become an anti-racist school district that is trauma-responsive and aligned to a whole child approach that supports educators in meeting each child’s individual and holistic needs. This creates an environment that eliminates opportunity gaps, interrupts institutional bias, and removes institutional barriers to academic and social success, particularly for students of color. DCPS actively strives to provide access, inclusion, and affirmation and to offer the most support where significant disparities have historically persisted.

This policy lays out the framework for student supports and behavioral interventions, including restorative practices and Multi-Tiered System of Supports (MTSS); disciplinary code infractions and responses, including the types of misconduct that can lead to various levels of discipline including suspension; discipline for students with disabilities; due process procedures; and expectations for staff training and professional development for the implementation of the policy.

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

II. AUTHORITY AND APPLICABLE LAW¹

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. § 7961
Federal Regulations	<ul style="list-style-type: none"> - IDEA implementing regulations, 34 C.F.R. § 300 <i>et seq.</i>

¹ Nothing in this policy will supersede federal, state, or local law.

<p>District of Columbia Law</p>	<ul style="list-style-type: none"> - Expulsion of Students Who Bring Weapons into Public Schools Act of 1996, D.C. Official Code § 38-231 <i>et seq.</i> - Student Fair Access to School Amendment Act of 2018, D.C. Official Code § 38-236.01 <i>et seq.</i> - Pre-K Student Discipline Amendment Act of 2015, D.C. Official Code § 38-273.01 - Focused Student Achievement Amendment Act of 2013, D.C. Official Code § 38-781 <i>et seq.</i>
<p>District of Columbia Municipal Regulations</p>	<p>DC Office of the State Superintendent of Education (OSSE)</p> <ul style="list-style-type: none"> - 5-A DCMR § 2103 – Absentee Intervention and School-Based Student Support Teams - 5-A DCMR § 2199 – Definitions <p>DC Public Schools (DCPS)</p> <ul style="list-style-type: none"> - 5-B DCMR § 2103 – Truancy - 5-B DCMR § 2200 – Reporting - 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))

Contract security means an external company or organization contracted to provide security services in DCPS schools. The employees of the contracted company are trained professionals who are licensed and commissioned to serve as security personnel within their assigned location.

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)

Individualized education program (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting with the parent and school team. IEPs include a statement of the present levels of performance; how the child’s disability affects their education; annual goals and objectives; and a statement of the special education and related services, accommodations, and modifications necessary to meet the unique educational needs of a child with a disability, as required under section 614(d) of IDEA (20 U.S.C. § 1414(d)). (D.C. Official Code § 38-2601.02)

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 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))

Safe means protected from or not exposed to danger or risk; not likely to be harmed or lost. (D.C. Official Code § 5-132.01)

School resource officer means a sworn Metropolitan Police Department (MPD) officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to ensure that DCPS schools, public charter schools, and their grounds are safe environments for students, teachers, and staff through the use of culturally competent, developmentally-appropriate, and community-oriented policing strategies and practices. (D.C. Official Code § 5-132.01)

Social-emotional learning (SEL) means the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage

emotions; set and achieve positive goals; feel and show empathy for others; establish and maintain positive relationships; and make responsible decisions.²

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)) or under Section 504 of the Rehabilitation Act of 1973. (see 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))

Weapon means any object used to cause bodily harm, injury, or death upon another individual.

IV. REQUIREMENTS

A. Staff Training and Professional Development

In order to support a safe and positive environment for social, emotional, and academic learning and development, all DCPS schools must identify a school-based culture team of three (3) or more staff to be trained in implementing whole child restorative practices; verbal de-escalation; social-emotional learning (SEL); and bullying prevention. The Dean of Culture, Restorative Practices Coordinator, In-Suspension Coordinator, or Behavior Technician must be on the school-based culture team if schools have those positions.³

The DCPS Central Services Student Behavior and School Culture and Climate Team will offer trainings, targeted to the appropriate audience, including school-based culture teams, school-based staff, bullying prevention points of contact (POCs), in-school suspension coordinators, and contract security. Student behavior and restorative practices professional development trainings will include sessions on the following topics:

- Student Behavior Tracker (SBT),
- Bullying Prevention Training,
- Restorative Practices Series,
- Revisioning In-School Suspension,
- Safety Care (verbal de-escalation and restraint), and
- Whole Child Development/Brain Science.

All trainings except for Revisioning In-School Suspension are required for the members of the school-based culture team.

Staff attendance at training courses will be monitored by a sign-in sheet or electronically to ensure compliance with this training requirement. Schools are also required to display signage about safety protocols throughout the building to reinforce professional development lessons and remind students of appropriate and expected behavior.

² District of Columbia Public Schools, *About the DCPS Panorama Surveys*, available at https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/About-the-Panorama-Surveys.pdf.

³ Schools are able to hire staff to best support their students and communities, and so may not all have the same staff positions.

B. Social and Emotional Interventions and Supports

Schools will ensure, build, and maintain safe and positive environments that are conducive to learning and social-emotional development and provide for mutual respect and cooperation among all members of the school community.⁴ When students feel stress, they may exhibit challenging behaviors in their school or classroom community. When students feel safe and supported, known, and heard, they are much less likely to exhibit challenging behaviors. DCPS is committed to helping students learn the expectations and skills to succeed in schools and classrooms. When a student engages in behavior that is inappropriate or disruptive to the learning environment, schools will respond to that behavior with behavioral interventions designed to build developmentally appropriate skills that maintain a positive environment and support teaching and learning. Prevention strategies must be used whenever possible,⁵ and interventions must be rehabilitative, restorative, and educational to minimize exclusion from class and school.

Supporting students through a trauma-responsive lens is a key element of this system of behavioral interventions. Examples of how teachers will support a trauma-responsive learning environment include teachers using positive and affirming language daily; creating developmentally appropriate, consistent, and predictable learning environments; providing resources to support self-management; dedicating time to build relational trust; and teaching, modeling, and reinforcing school-wide behavior expectations. For additional examples of interventions and support used to address student behavior, see Appendix A.

To further create safe and positive schools and support appropriate student behavior, DCPS has adopted the following restorative practices and implements a Multi-Tiered System of Supports (MTSS) in our schools.

1. Restorative Practices

Restorative practices are theories of reconciliation within an umbrella of strategies that DCPS utilizes to build community, manage conflict, and resolve tensions by repairing the harm caused by individuals toward others and restoring relationships. Restorative practices⁶ include the use of formal and informal processes that precede wrongdoing and seek to proactively build relationships and a sense of community to prevent conflict and wrongdoing. The DCPS approach to restorative practices will be used proactively to build positive relationships and school cultures. In addition, restorative practices may be used as part of conflict resolution in a manner that is optional for impacted parties and will never require those impacted by misbehavior to confront or face another person.

Restorative practices strengthen and repair relationships, reduce disruptive behavior, de-escalate challenging situations, decrease suspensions, and improve social relationships. The long-term effects of restorative practices can improve academic performance, increase student attendance, and create a positive school environment. For additional information on restorative practices, please see <https://dcps.dc.gov/page/restorative-practices>.

⁴ 5-B DCMR § 2500.1.

⁵ 5-B DCMR § 2500.4.

⁶ DCPS does not engage in restorative justice in its schools. Restorative justice is a reactive approach that consists of formal or informal responses to crime and other wrongdoing after it occurs.

2. Multi-Tiered System of Supports (MTSS)

To further foster the types of school cultures and environments necessary for student academic and social-emotional growth, all DCPS schools leverage MTSS. MTSS provides a framework for schools to holistically understand the strengths and needs of students and adults. It provides aligned tiered supports and interventions that leverage an individual's strengths and support areas of need. MTSS is rooted in the science of learning and development and designed to meet students' varied behavioral and developmental needs. MTSS helps to operationalize DCPS' whole-child, anti-racist focus by catalyzing the conditions for student success, fostering holistic conversations about students, and using data-driven supports and interventions to provide scaffolding for student skills and mindsets.

MTSS@DCPS is grounded in three tiers of supports:

- **Tier 1 supports** are proactive and preventive supports for all students that promote a sense of belonging and rich instructional practices;
- **Tier 2 supports** are targeted measures designed to support the strengths and needs of a small group of students when universal supports (i.e., Tier 1) are not meeting their needs; and
- **Tier 3 supports** are intensive supports that are personalized to an individual student with more significant needs or whose needs are not being met by Tier 2 supports.

Through the use of universal Tier 1 practices for all students and targeted Tier 2 and 3 interventions for students who require additional support, MTSS@DCPS complements DCPS' other behavioral intervention strategies and supports positive student behavior and safe and supportive school environments. For additional information on MTSS@DCPS, please see contact DCPS_MTSS@k12.dc.gov.

C. Considerations for Disciplinary Interventions

Decisions on interventions or discipline will respect individual students and staff, balance the interests of the school community, and minimize disruption to academic instruction.⁷ Staff shall implement progressive disciplinary responses, beginning with the least severe appropriate response within the range of permissible disciplinary responses, to give students an opportunity to successfully regulate themselves. The grounds for disciplinary action and tiers of behavior and responses are detailed in Appendix B.⁸ Interventions and responses will be fair and consistent;⁹ logical, appropriate, and instructive; and consider factors such as:

- The nature of the infraction;
- Circumstances relating to the infraction;
- The age of the student;
- The student's overall social and emotional context (e.g., previous behavioral history; history of trauma, if any; mental health considerations);
- Previous participation in counseling or conflict resolution efforts, such as peer mediation or restorative practices;
- Whether injury occurred;
- Whether a weapon or controlled substance was involved;
- The safety of other students and staff;
- The educational needs of other students;

⁷ 5-B DCMR § 2500.7.

⁸ 5-B DCMR § 2500.11.

⁹ 5-B DCMR § 2500.8.

- The educational needs of the student to be disciplined, including those enumerated in an Individualized Education Program (IEP) or Section 504 plan; and
- Extenuating circumstances.¹⁰

D. Applicability

This policy will be enforceable by school authorities as follows:

- When the student is on school grounds;
- When the student is on or off school grounds participating in or attending any function or activity, including field trips, class trips, extracurricular activities, or athletic contests, that are sponsored by or are under the auspices of DCPS;
- When the student is off school grounds and traveling on transportation provided by DCPS or the D.C. Office of the State Superintendent of Education (OSSE) and the activity involves any conduct prohibited by this policy;
- When the student commits a prohibited offense that occurs during before-school or after-school programs; and
- When a student has committed a prohibited offense off school grounds or outside regular school hours that results in a significant disruption to the school environment.¹¹ This may include cyberbullying, which is a communication transmitted with an electronic device and may include the use of social media and any future applications that are considered electronic communication.

E. Suspensions and Expulsion

1. Early Childhood Education (ECE) (i.e., Pre-Kindergarten (Pre-K))

DCPS welcomes all young learners in our Pre-K classrooms. While some ECE students may exhibit challenging behaviors in school, child development research¹² suggests that a supportive and developmentally appropriate classroom environment can effectively promote children's social-emotional development and help children to develop important self-regulation skills. Research also notes that suspensions or expulsions of children at this age are not effective strategies and are unlikely to result in positive changes in children's behavior. Further, suspensions exclude children from critical learning experiences, often harm those students who may most need to be in the classroom, and put substantial strain on the relationship between families and schools.

¹⁰ 5-B DCMR § 2500.9.

¹¹ 5-B DCMR § 2501.1.

¹² Early Learning Network, *Emerging Theme: Teacher-Child Relationships*, available at <https://earlylearningnetwork.unl.edu/2019/05/20/teacher-child-relationships/>; PennState Extension, *Interactions Matter: What Research Says and What You Can Do!*, available at <https://extension.psu.edu/programs/betterkidcare/news/2016/interactions-matter>; Center on the Social and Emotional Foundations for Early Learning, *Promoting Children's Success: Building Relationships and Creating Supportive Environments – Building Positive Relationships with Young Children*, available at <http://csefel.vanderbilt.edu/modules/module1/handout5.html>.

a. Prohibition on Suspensions and Expulsions

In order to comply with D.C. law and regulations and appropriately support and engage young children, **early childhood (i.e., Pre-K) students may not be suspended for any length of time.**¹³ This includes both in school and out-of-school suspensions. **Early childhood students also cannot be expelled from school for any reason.** For additional information on ECE suspensions, please contact the Early Childhood Education Division (ECED) at DCPS.EarlyChildhood@k12.dc.gov.

b. Temporary Removal from the Classroom

In the event that an ECE student needs to be temporarily removed from the classroom as part of a behavioral intervention or support, the temporary removal should not be for an extended period of time and must not be for more than half a day. Any temporary removal from the classroom must be documented in SBT.

ECE students who may need a break from the classroom may be supervised in a safe space by a qualified and supportive adult, such as support staff, the school psychologist, or a school leader. Each student and school community is unique, and the appropriate supportive adult for each instance will vary. School security guards, police, or other safety personnel may **not** serve as the qualified adult to provide a cooling-off time for the child unless the individual has a positive relationship with the child.

c. Family Support

In some cases, where a parent/guardian has been contacted in response to the misbehavior of an ECE student, the parent/guardian may decide to take their child home for the remainder of the day. This should only be considered if the parent/guardian makes the request and the school administration agrees that this is a productive strategy. **Schools may not suggest that the parent take the child home.** In these cases, all previous interventions and responses must have been documented in SBT. **Schools must notify the parent in writing and communicate to the child that this is a non-punitive action and is not a suspension.** There cannot be a barrier to re-entry for the child on the following school day (i.e., the school cannot require a parent meeting or any other action before re-entry).

d. Modified Schedule

In rare cases, an abbreviated school day (i.e., half day) may be a supportive *temporary* solution as an ECE behavior intervention. A modified schedule should only be considered if the school and family agree that it is a productive and time-limited strategy designed to help the student to gradually become acclimated to the school environment. All previous interventions and responses must have been documented in SBT.

Before considering a modified schedule, school leadership must contact the ECED and the school's Instructional Superintendent. The school must notify the parent/guardian in writing and communicate to the child that this is a non-punitive action and is not a suspension. The parent/guardian has the right to resume the regular school day schedule at any time.

¹³ See D.C. Official Code § 38–273.03, 5-B DCMR § 2500 *et seq.*

2. Grades K-12

All requirements contained in Chapter 25¹⁴ of the D.C. Municipal Regulations that do not conflict with the Student Fair Access Act remain in effect, including the tiers that outline levels of behavior infractions. For summary tables of key requirements regarding out-of-school suspension lengths and the impact of the Student Fair Access Act, please see the appendices.

a. Prohibition on Informal Exclusion

All removals of students from their daily school schedules for disciplinary reasons are considered school exclusions, and all relevant aspects of this policy must be followed in these instances. A K-12 student cannot be removed from the school building or prohibited from returning to school, including involuntary dismissals, for disciplinary reasons unless the student is subject to an out-of-school suspension or disciplinary unenrollment.¹⁵ To ensure compliance with this requirement, all exclusions from school must be documented in SBT.

b. Students in Kindergarten through Grade 5

(1) Restrictions on K-5 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 the appendices.

(2) Restrictions on K-5 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** or 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.¹⁷

c. Students in Grades 6 through 8

(1) Restrictions on Grade 6-8 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**

¹⁴ A current copy of Chapter 25 is available at: <https://dcps.dc.gov/chapter25>.

¹⁵ D.C. Official Code § 38-236.04(f).

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

¹⁷ D.C. Official Code § 38-236.04(b).

distress to another person, including behavior that happens off school grounds.¹⁸ 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 the appendices.

(2) Restrictions on Grade 6-8 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 incident or 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.¹⁹

d. Students in Grades 9 through 12

(1) Restrictions on Grade 9-12 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.²⁰

(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 incident or 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.²¹

¹⁸ D.C. Official Code § 38-236.04(a)(1).

¹⁹ D.C. Official Code § 38-236.04(b).

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

²¹ D.C. Official Code § 38-236.04(b).

e. 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 or 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 the Individuals with Disabilities Education Act (IDEA), DCPS is required to expel for at least one (1) year any student who brings a firearm to school.²² Expulsions for violations of the Gun-Free Schools Act may be appealed to, and may only be modified by, the Chancellor.²³

f. Emergency Removals

A student may be removed immediately from their normal instructional day, prior to all aspects of due process being completed, if they are contributing to an emergency situation in the school.²⁴

For a general education student, an emergency situation may exist either because of general conditions in the school (e.g., an increasing number of fights or physical attacks) or because the behavior of an individual student is so disruptive or dangerous that they pose a very real and immediate threat to the health and safety of other members of the school community, or to the ability of the school community or the school or portion thereof to continue normal operations.²⁵

For a student with or who is being evaluated for an IEP or a 504 plan, the student's behavior must meet at least one (1) of the following criteria:

- The student carries a weapon to school or to a school function; or
- The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of DCPS.²⁶

In all instances of an emergency removal:

- The emergency removal must comply with the Student Fair Access Act, and students in grades K through 8 cannot receive an emergency removal **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;²⁷ and
- The Chancellor or designee must provide a written justification for the emergency removal to the student and parent.²⁸

g. Absences and Late Arrivals

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

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

²³ D.C. Official Code § 38-231; 5-B DCMR § 2505 *et seq.*

²⁴ 5-B DCMR § 2504.4.

²⁵ 5-B DCMR § 2504.4.

²⁶ 5-B DCMR § 2510.5(b).

²⁷ D.C. Official Code § 38-236.04(a)(1).

²⁸ See D.C. Official Code § 38-236.04(b)(3)(B).

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.²⁹

h. 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.³⁰ 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.³¹

i. Participation During a Suspension or Expulsion

Students who have been suspended or expelled are not eligible to participate in any school function for the duration of their suspension or expulsion. The only exceptions that may be authorized by the Chancellor or Chancellor designee are for system-wide testing, or College Board or admission examinations.³²

j. 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.³³

F. Discipline and Students with Disabilities

Schools must take special consideration regarding the exclusion of a student with a disability under the Americans with Disabilities Act (ADA) and the IDEA.³⁴ Schools must ensure that the special education and disciplinary records of a child with a disability are shared with and considered by the person(s) making the final determination on the disciplinary action. Such documentation may include, but not be limited to, the student's current IEP, discipline file, cumulative file, and reports or recommendations from health or mental health clinicians.³⁵

²⁹ D.C. Official Code § 38-236.04(c). Please note that all such unenrollments must be done in compliance with the *DCPS Attendance & Truancy Policy*, available at <https://dcps.dc.gov/page/dcps-policies>.

³⁰ D.C. Official Code § 38-236.04(d).

³¹ D.C. Official Code § 38-236.03(b)(4).

³² 5-B DCMR § 2504.6.

³³ D.C. Official Code § 38-236.04(e).

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

³⁵ See 5-B DCMR § 2510.2.

1. Manifestation Determination Reviews (MDR)

If a proposed disciplinary action would require removal of a protected student³⁶ for more than ten (10) days or if a protected student accumulates more than ten (10) suspension days in a school year, the school must hold a manifestation determination review (MDR) meeting.³⁷ An MDR meeting must be convened for any student with a known disability (including those with IEPs or Section 504 plans). MDRs must also be convened for 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, teacher, or other personnel of the school (1) expresses concerns about a pattern of behavior or that the student may need special education or related services or (2) has requested that the student be evaluated for special education services.³⁸

As part of the MDR process, DCPS staff, a parent/guardian, and relevant members of the child's IEP or Section 504 team must meet prior to enacting the suspension to review all relevant information in the student's file, including the child's IEP, evaluations, teacher observations, and any relevant information provided by the parents/guardians to determine whether the behavior is a manifestation of the student's known or suspected disability or the result of the district's failure to properly implement the IEP/504 plan. If either of these is the case, then the student may not be suspended and the IEP/504 plan must be revised and the IEP/504 team should consider whether any further evaluations, including a functional behavior assessment (FBA), are necessary. If the behavior is determined not to be a result of the student's disability and the student's IEP/504 plan has been found to be properly implemented, the suspension may proceed.³⁹

For more information on procedural safeguards in place for students with disabilities, please see <https://dcps.dc.gov/specialeducation>.

2. Restraint and Seclusion

Restraint and seclusion are not a form of discipline and are prohibited except in emergency situations in which intervention is reasonably believed to be necessary to protect a student or another person from imminent, serious physical harm and other, less intrusive interventions have failed or been determined to be inappropriate. For additional information on restraint and seclusion, see DCPS' Restraint and Seclusion Policy.⁴⁰

G. Due Process

All disciplinary interventions and responses will follow the requirements of this policy. Records of all disciplinary actions taken shall be maintained for each student in a student discipline file that is separate from the student's official record and cumulative file.⁴¹ Students will receive adequate and timely

³⁶ See 5-B DCMR §§ 2510.22-.26.

³⁷ 5-B DCMR § 2510.3.

³⁸ 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.

³⁹ 5-B DCMR § 2510.4.

⁴⁰ Available at <https://dcps.dc.gov/page/dcps-policies>.

⁴¹ 5-B DCMR § 2503.5.

notifications of student infractions and disciplinary responses.⁴² A student who has been suspended for six (6) days or more or who has been expelled has the right to have a disciplinary hearing held by an independent hearing officer. The Chancellor may review and modify any proposed disciplinary action.⁴³

1. Students in General Education

For a general education student to be formally suspended in DCPS, schools must:

- **Provide the student with an opportunity to have an administrative conference:** A principal or their designee must hold a conference with the student before imposing a suspension, except when an emergency situation exists (see below), in which case the conference will be held no more than three (3) school days after the suspension is initiated.⁴⁴ This conference will follow the requirements of 5-B DCMR § 2505.
- **Review the incident and decide on the appropriate disciplinary response.**
- **Document all information related to the suspension.**
- **Send notification of proposed disciplinary action to the parent/guardian:** Parents/guardians can be contacted by phone to notify them of a proposed suspension. Within 24 hours of any suspension, written notification must be sent by certified mail or hand delivered to a parent/guardian. Written notification must be provided in the form of an official DCPS suspension notification letter.
- **Create an educational plan:** For suspensions of more than two (2) days, students are entitled to an educational plan and work packet that is aligned to the instruction that they will miss during the suspension.

2. Students with Disabilities

For information on the due process rights of students with disabilities, see Section IV.F and information on the MDR process.

3. Appealing a Suspension⁴⁵

Parents/guardians have the right to appeal a suspension. Appeal requests can be made orally or in writing. During the appeal, the student and/or parent/guardian may present evidence and ask witnesses to speak.

- For suspensions of one (1) to three (3) days for students in grades K-5 or one (1) to five (5) days for students in grades 6-12, the appeal is heard by the principal and must be made within two (2) days of receiving notification of the suspension.
- For suspensions of four (4) to five (5) days for students in grades K-5, the appeal is heard by the Instructional Superintendent.
- For suspensions of six (6) to ten (10) days for students in grades 6-12, parents/guardians are initially entitled to a hearing before an independent hearing officer. If a parent/guardian wishes to appeal a suspension that is imposed following a hearing, the appeal is heard by a designee of the Chancellor and must be made by the parent/guardian within five (5) days of receiving notification of the final suspension decision.

⁴² 5-B DCMR § 2500.14.

⁴³ 5-B DCMR §§ 2503.3, 2508.

⁴⁴ 5-B DCMR § 2505.3.

⁴⁵ 5-B DCMR § 2505.14.

In all cases, if a student or parent/guardian has concerns, they may contact the DCPS Office of Integrity, which supports all DCPS stakeholders in ensuring a speedy resolution process and promoting fair and equitable practices for students and families. The Office of Integrity can be reached by completing the Online Referral Form⁴⁶ or sending an email to dcps.cio@k12.dc.gov.

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.

All exclusions, including in-school suspensions, must be documented in SBT within 24 hours. All absences due to exclusion must be accurately documented in Aspen daily. For key guidance and support with 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.

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 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.

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 Integrity by completing the Online Referral Form⁴⁷ or sending an email to dcps.cio@k12.dc.gov. Stakeholders may also contact the Comprehensive Alternative Resolution and Equity (CARE) Team if they believe their civil rights have been violated. CARE can be reached via telephone (202) 442-5405, via email at DCPS.CARE@k12dc.gov or online at <https://dcps.dc.gov/page/grievance-form>.

⁴⁶ Available at <https://dcps.dc.gov/page/office-integrity>.

⁴⁷ Available at <https://dcps.dc.gov/page/office-integrity>.

Appendix A: Interventions and Supports for Student Behavior

Options for prevention, intervention, and remediation shall include, but not be limited to:

- Anger management;
- Attendance intervention plans;
- Behavior intervention plans;
- Behavior log/behavior progress report;
- Behavior redirection;
- Community conference;
- Community service;
- Conflict resolution;
- Crime awareness/prevention programs;
- Diverse instructional strategies;
- In-school program restructuring (schedule change);
- Individual or group counseling;
- Intervention by guidance counselor or mental health professional;
- Mediation, including teacher/student mediation and multi-party dispute resolution;
- Mentoring;
- Parent conference;
- Parent observation of student;
- Positive feedback for appropriate behavior;
- Positive behavior supports
- Problem solving conferences;
- Referral to community-based organizations;
- Referral to substance abuse counseling service;
- Rehabilitative programs;
- Restitution;
- Restorative justice strategies;
- Social skills instruction;
- Student support team meeting; and
- Other appropriate intervention strategies.⁴⁸

⁴⁸ 5-B DCMR § 2500.6.

Appendix B: Grounds for Disciplinary Action and Responses

Grounds for disciplinary interventions and actions are defined in Chapter 25 of Subtitle 5-B of the District of Columbia Municipal Regulations (DCMR) and grouped into five tiers.⁴⁹ However, under the Student Fair Access Act, a student in grades K through 8 may **not** 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.⁵⁰ Schools must consider whether a violation of Chapter 25 meets the standard under the Student Fair Access Act for suspension of students in grades K through 8 prior to proposing the suspension. Schools may reach out to the Student Behavior Team at LDS@k12.dc.gov or the Office of General Counsel at OGC@k12.dc.gov.

Tier I (5-B DCMR § 2502.1)	
Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee. <i>Out-of-school suspension is never permitted as a response to a Tier I behavior.</i>	
Behaviors	The following behaviors shall be considered Tier I behaviors: <ol style="list-style-type: none"> (1) Refusal to present school-issued identification upon request; (2) Attending class without required class materials or assigned work; (3) Off-task behaviors that demonstrate disengagement from classroom learning; (4) Behaviors that disrupt or interfere with classroom teaching and learning; (5) Unexcused lateness for school or class; (6) Inappropriate displays of affection; (7) Excessive noise in the classroom, hall, or school building; (8) Running in the classroom, hall, or school building; (9) Communicating with staff and peers in a manner that is not polite, courteous, or respectful; (10) Directing profanity or obscene/offensive gestures toward peers; (11) Refusal to comply with staff instructions, or classroom or school rules; and (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is insubordinate or causes minor disruption to the academic environment but does not involve damage to school property or harm to self or others.
Responses	<i>Out-of-school suspension is never permitted as a response to a Tier I behavior.</i> Disciplinary responses for Tier I behaviors shall include: <ol style="list-style-type: none"> (1) Verbal redirection or reprimand; (2) Teacher/student conference; (3) Parental contact in writing or by phone; (4) Teacher/parent conference; (5) Temporary Removal of Student from Classroom; (6) In-School Disciplinary Action; (7) Behavior contract; and

⁴⁹ 5-B DCMR § 2502.

⁵⁰ D.C. Official Code § 38-236.04(a)(1).

	(8) Other school-based consequences as approved by a person designated by the Chancellor.
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Tier II (5-B DCMR § 2502.2)

Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter 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. ***Out-of-school suspension is never permitted as a response to a Tier II behavior.***

Behavior	<p>The following behaviors shall be considered Tier II behaviors:</p> <ol style="list-style-type: none"> (1) Using computer/office equipment without permission; (2) Intentional Misuse of School Equipment/Supplies/Facilities; (3) Unauthorized use of portable electronic devices during school hours (e.g., mp3 players, cell phones); (4) Non-compliance with approved dress code/uniform policy; (5) Leaving classroom without permission; (6) Unexcused absence from class; (7) Unauthorized presence in hallway during class time; (8) Unexcused absence from school; (9) Inappropriate or disruptive physical contact between students; (10) Directing profanity or obscene/offensive gestures toward staff; (11) Throwing objects that may cause injury or damage to property; (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the academic environment, involves damage to school property, or may cause minor harm to self or others; and (13) Documented Pattern of Persistent Tier I Behavior.
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Responses	<p><i>Out-of-school suspension is never permitted as a response to a Tier II behavior.</i> Lesser disciplinary responses (i.e., those responses for behaviors in Tier I) may be implemented for Tier II behavior. Exclusionary responses are not required.</p> <p>Disciplinary responses for Tier II behaviors shall include:</p> <ol style="list-style-type: none"> (1) Verbal redirection or reprimand; (2) Teacher/student or administrator/student conference; (3) Parental contact in writing or by phone; (4) Administrator/parent conference; (5) Temporary Removal of Student from Classroom; (6) In-School Disciplinary Action; (7) Behavior contract; (8) Other school-based consequences as approved by a person designated by the Chancellor; and (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of 5-B DCMR.
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Tier III (5-B DCMR § 2502.3)

Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter 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 in-school or out-of-school suspension.

Behavior	<p>The following behaviors shall be considered Tier III behaviors:</p> <ol style="list-style-type: none"> (1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails); (2) Sale or Distribution of any item without authorization; (3) Possession or Distribution of obscene or pornographic material on school premises; (4) Possession or Use of tobacco; (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; (8) Verbal, written, or physical Threat to person or property (including intimidating postures); (9) Obscene, seriously offensive, or abusive language or gestures; (10) Causing disruption on school property or at any DCPS-sponsored or supervised activity; (11) Gambling; (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; (13) Engaging in Sexual Acts on school premises or at school-related functions; (14) Leaving school without permission; (15) Academic Dishonesty; (16) Forgery; (17) Lying to or giving misleading information to school staff; (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); (19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs); (20) Hazing; (21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying; (22) Possession of tools or instruments which school administrators deem could be used as weapons; (23) Engaging in reckless behavior that may cause harm to self or others; (24) Extortion; (25) Fighting where there is no injury and no weapon; (26) Trespassing; (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 (28) Documented Pattern of Persistent Tier II Behavior.
Responses	<p>Disciplinary responses for Tier III behaviors shall include:</p> <ol style="list-style-type: none"> (1) Verbal redirection/reprimand; (2) Teacher/student conference or administrator/student conference;

	<p>(3) Parental contact (written or by phone);</p> <p>(4) Parent conference;</p> <p>(5) Temporary Removal of Student from Classroom;</p> <p>(6) Behavior contract;</p> <p>(7) In-School Disciplinary Action;</p> <p>(8) Grade reduction for Academic Dishonesty;</p> <p>(9) In-school suspension of one to three days with provision of appropriate intervention services; and</p> <p>(10) Out-of-school suspension of one to three days, except in response to unexcused tardiness or absence.</p> <p>Lesser disciplinary responses (i.e., those responses for behaviors in Tiers I and II) may be implemented for Tier III behavior. Exclusionary responses are not required.</p> <p>Out-of-school suspensions may only occur as permitted under D.C. law and this policy. <i>Under the Student Fair Access Act, out-of-school suspensions may only occur for students in grades K through 8 if a school administrator determines, consistent with school policy, that the student has:</i></p> <ul style="list-style-type: none">• <i>willfully caused,</i>• <i>attempted to cause, or</i>• <i>threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds.</i>⁵¹ <p><i>Under the Student Fair Access Act, out-of-school suspensions may not occur for students 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, for the following reasons:</i></p> <ul style="list-style-type: none">• <i>Violating DCPS or school dress code or uniform rules;</i>• <i>Willful defiance; or</i>• <i>Behavior that happens off school grounds and not as part of a school-sponsored activity, unless the students has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.</i>⁵²
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⁵¹ D.C. Official Code § 38-236.04(a)(1).

⁵² D.C. Official Code § 38-236.04(a)(2).

Tier IV (5-B DCMR § 2502.4)

Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors may result in out-of-school suspension.

Behavior	<p>The following behaviors shall be considered Tier IV behaviors:</p> <ol style="list-style-type: none"> (1) Acts of vandalism, destruction of property, or graffiti (tagging); (2) Documented theft of school or personal property without force; (3) Interfering with school authorities or participating in a major disruption of the school’s operation. (4) Tampering with, changing, or altering an official record or document of a school; (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; (6) Lewd or indecent public behavior or sexual misconduct; (7) Sexual Harassment; (8) Retaliation for reporting Harassment and Sexual Harassment; (9) Fighting which creates substantial risk of or results in minor injury; (10) Inciting others to violence or disruption; (11) Activating False Alarm; (12) Contaminating food; (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; (14) Using an article that is not normally considered a weapon to intimidate or threaten another individual; (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 (16) Documented Pattern of Persistent Tier III Behavior enumerated at 5-B DCMR 2502.3(a)(1) through (27).
Responses	<p>Disciplinary responses for Tier IV behaviors include:</p> <ol style="list-style-type: none"> (1) Out-of-school suspension of one to three days, except in response to unexcused tardiness or absence; (2) Out-of-school suspension of four to ten days, except in response to unexcused tardiness or absence. <p>Lesser disciplinary responses (i.e., those responses for behaviors in Tiers I, II, and III) may be implemented for Tier IV behavior. Exclusionary responses are not required.</p> <p>Out-of-school suspensions may only occur as permitted under D.C. law and this policy. <i>Under the Student Fair Access Act, out-of-school suspensions may only occur for students in grades K through 8 if a school administrator determines, consistent with school policy, that the student has:</i></p> <ul style="list-style-type: none"> • <i>willfully caused,</i> • <i>attempted to cause, or</i> • <i>threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds.</i>⁵³

⁵³ D.C. Official Code § 38-236.04(a)(1).

	<p><i>Under the Student Fair Access Act, out-of-school suspensions may not occur for students 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, for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>Violating DCPS or school dress code or uniform rules;</i> • <i>Willful defiance; or</i> • <i>Behavior that happens off school grounds and not as part of a school-sponsored activity, unless the students has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.⁵⁴</i>
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Tier V (5-B DCMR § 2502.5)

Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors may result in out-of-school suspensions or expulsion.

Behavior	<p>The following behaviors shall be considered Tier V behaviors:</p> <ol style="list-style-type: none"> (1) Acts of Exceptional Misconduct at other schools; (2) Vandalism/destruction of property over \$500; (3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia; (4) The Possession or Distribution of alcohol; (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 et seq. (2001) (6) Causing serious disruption or damage to school’s computer systems, electronic files, or network; (7) Possession of fireworks or explosives; (8) Theft or attempted theft using force, coercion, intimidation, or Threat of violence; (9) Assault or physical attack on student or staff; (10) Fighting which results in a serious physical injury; (11) Participating in group fight which has been planned, causes major disruption to school day or results in substantial bodily injury; (12) Using an article that is not normally considered a weapon to injure another individual; (13) Use, threatened use, or transfer of any weapon; (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. (15) Any behavior that violates the Gun-Free Schools Act; (16) Deliberate acts that cause severe physical injury to another person(s). (17) Assault with a weapon; (18) Commission or attempted commission of any act of sexual assault or sexual aggression; (19) Arson; (20) Biohazard; (21) Bomb threat; (22) Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which causes or attempts to cause severe physical injury,
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⁵⁴ D.C. Official Code § 38-236.04(a)(2).

	<p>substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;</p> <p>(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</p> <p>(24) Documented Pattern of Persistent Tier IV Behavior.</p>
<p>Responses</p>	<p>Disciplinary responses for Tier V behaviors include:</p> <ol style="list-style-type: none"> (1) Out-of-school suspension of four to ten days, except in response to unexcused tardiness or absence; and (2) Expulsion. <p>Lesser disciplinary responses (i.e., those responses for behaviors in Tiers I, II, III, and IV) may be implemented for Tier V behavior. Exclusionary responses are not required, other than violations of the Gun-Free Schools Act.</p> <p><i>Under the Student Fair Access Act, out-of-school suspensions may only occur for students in grades K through 8 if a school administrator determines, consistent with school policy, that the student has:</i></p> <ul style="list-style-type: none"> • <i>willfully caused,</i> • <i>attempted to cause, or</i> • <i>threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds.</i>⁵⁵ <p><i>Under the Student Fair Access Act, out-of-school suspensions may <u>not</u> occur for students 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, for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>Violating DCPS or school dress code or uniform rules;</i> • <i>Willful defiance; or</i> <p><i>Behavior that happens off school grounds and not as part of a school-sponsored activity, unless the students has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.</i>⁵⁶</p> <p><i>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 or Gun-Free Schools Act violations may be appealed under Chapter 25.</i></p>

⁵⁵ D.C. Official Code § 38-236.04(a)(1).

⁵⁶ D.C. Official Code § 38-236.04(a)(2).

Appendix C: 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.E.2 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.