

# DC Student Discipline Reform Legislation Effective Dates

PROVISION	EFFECTIVE DATE
<b>Key Term Definitions Apply to Both DCPS and Public Charter Schools:</b> Terms with new universal definitions include: <b>Bodily Injury; Disciplinary Unenrollment; Emergency Removal; Emotional Distress; Exclusion; Expulsion; In-School Suspension; Involuntary Dismissal; Involuntary Transfer; Out-of-School Suspension; Suspension; and Willful Defiance.</b>	<b>August 25, 2018</b> DC Code § 38-236.01
<b>“Out-of-School Suspension” Definition Includes Partial Days:</b> “Out-of-school suspension” definition clearly includes disciplinary removals from school attendance that are less than full school days and includes “involuntary dismissals.” “Involuntary dismissal” is the removal of the student from school attendance for less than ½ of a school day.	<b>August 25, 2018</b> DC Code § 38-236.01
<b>Involuntary Transfers Are Now Equivalent to Expulsions:</b> “Disciplinary unenrollment” definition is found in several provisions of the law that limit its use and includes both “expulsions” and “involuntary transfers.”	<b>August 25, 2018</b> DC Code § 38-236.01
<b>Definition “Willful Defiance”:</b> “Willful defiance” is disrupting school activities or intentionally defying the valid authority of school staff.	<b>August 25, 2018</b> DC Code § 38-236.01
<b>School Policy Changes:</b> LEAs must develop more transparent, robust, and evidence-based school discipline policies that ensure students can access their educational program and that clearly state the due process rights and procedures available to students and parents/guardians.	<b>August 25, 2018</b> DC Code § 38-236.03
<b>Limits on Exclusionary Discipline Use in Elementary &amp; Middle School:</b> The use of out-of-school suspensions, expulsions, and involuntary transfers in Kindergarten through Grade 8 is limited to incidents where a student’s behavior poses a safety or emotional distress concern.	<b>SY2019-2020 [Grades K-5]</b> <b>SY2020-2021 [Grades 6-8]</b> DC Code § 38-236.04(a)(1)
<b>Limits on Exclusionary Discipline Use in High School:</b> In Grades 9 through 12, an out-of-school suspension, expulsion, or involuntary transfer cannot be used consequentially for any dress code violation, willful defiance, or any incident occurring off school grounds that is not part of a school-sponsored activity (unless the student’s behavior poses a safety or emotional distress concern).	<b>Beginning SY2020-2021</b> DC Code § 38-236.04(a)(2)
<b>Out-of-School Suspension Limit of 5 Days in Elementary School:</b> The duration of each out-of-school suspension cannot exceed 5 consecutive school days in Kindergarten through Grade 5.	<b>August 25, 2018</b> DC Code § 38-236.04(b)(1)
<b>Out-of-School Suspension Limit of 10 Days in Middle &amp; High School:</b> The duration of each out-of-school suspension cannot exceed 10 consecutive school days in Grades 6 through 12.	<b>August 25, 2018</b> DC Code § 38-236.04(b)(2)

<b>Out-of-School Suspension Limit of 20 Days Total in All Grades:</b> Regardless of grade, a student cannot be suspended from school for more than 20 cumulative school days in a school year, except if the LEA head provides written justification to the student and parent or if the student’s conduct resulted in an emergency removal and written justification is provided by the LEA head.	<b>August 25, 2018</b> DC Code § 38-236.04(b)(3)
<b>Attendance-related Discipline Outlawed:</b> No out-of-school suspensions, expulsions, or involuntary transfers for unexcused absences or late arrivals to school. However, students can be unenrolled after accumulating 20 or more consecutive full-school-day unexcused absences.	<b>August 25, 2018</b> DC Code § 38-236.04(c)
<b>Continuity of Education Plan:</b> Schools are required to have a general plan for continued education for any student suspended (in-school or out-of-school).	<b>August 25, 2018</b> DC Code § 38-236.03(b)(4)
<b>Lack of Parent Attendance Cannot Prolong a Suspension:</b> Schools cannot make a parent/guardian’s presence at their child’s school a prerequisite to the student’s return to school post-suspension, including re-entry meetings.	<b>August 25, 2018</b> DC Code § 38-236.04(e)
<b>Higher Level of Due Process Required Earlier:</b> For purposes of due process, a suspension of 6 school days or more is considered a “long-term suspension.” We believe that DCPS must provide a hearing at Office of Administrative Hearings and that PCS schools must provide a roughly comparable type of hearing.	<b>August 25, 2018</b> DC Code § 38-236.04(g)
<b>Manifestation Determination Reviews Must Consider All Disabilities:</b> All of a student’s known disabilities, not just the primary disability on an IEP, must be considered in a manifestation determination review.	<b>August 25, 2018</b> DC Code § 38-236.05(b)
<b>School Safety and Positive Climate Fund:</b> OSSE is required to support schools with technical assistance, high-quality professional development, and the facilitation of postsecondary degree/certificate programs, including a trauma-informed educator certificate program. The fund will be used to support these requirements, as well as additional needed school supports for interventions.	<b>August 25, 2018</b> DC Code § 38-236.07
<b>School Supports:</b> OSSE is required to provide LEAs with needed additional supports for interventions that allow them to reduce their use of exclusionary discipline.	<b>October 1, 2019</b> DC Code § 38-236.06