

14. Discipline

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TITLE 34 -- EDUCATION SUBTITLE B -- REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION CHAPTER III -- OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION PART 300 -- ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES SUBPART E -- PROCEDURAL SAFEGUARDS DUE PROCESS PROCEDURES FOR PARENTS AND CHIL-DREN DISCIPLINE PROCEDURES

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34 CFR 300.530

§ 300.530 Authority of school personnel.

(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

(b) General. (1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).

(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services. (1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must--

(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination. (1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine--

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(i) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must--

(1) Either--

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child--

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.

(i) Definitions. For purposes of this section, the following definitions apply:

(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section (c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

(4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

HISTORY: [57 FR 44798, Sept. 29, 1992; 64 FR 12406, 12456, Mar. 12, 1999; 71 FR 46540, 46753, Aug. 14, 2006]

AUTHORITY: (20 U.S.C. 1415(k)(1) and (7))

NOTES: [EFFECTIVE DATE NOTE: 71 FR 46540, 46753, Aug. 14, 2006, revised Part 300, effective Oct. 13, 2006.]

34 CFR 300.531

§ 300.531 Determination of setting.

The child's IEP Team determines the interim alternative educational setting for services under § 300.530(c), (d)(5), and (g).

HISTORY: [57 FR 44798, Sept. 29, 1992; 64 FR 12406, 12456, Mar. 12, 1999; 71 FR 46540, 46753, Aug. 14, 2006]

AUTHORITY: (20 U.S.C. 1415(k)(2))

NOTES: [EFFECTIVE DATE NOTE: 71 FR 46540, 46753, Aug. 14, 2006, revised Part 300, effective Oct. 13, 2006.]

34 CFR 300.532

§ 300.532 Appeal.

(a) General. The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).

(b) Authority of hearing officer. (1) A hearing officer under § 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section.

(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may-

(i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child's behavior was a manifestation of the child's disability; or

(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

(c) Expedited due process hearing. (1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of \$ 300.507 and 300.508(a) through (c) and \$ 300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.

(2) The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.

(3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in § 300.506--

(i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and

(ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

(4) A State may establish different State-imposed procedural rules for expedited due process hearings conducted under this section than it has established for other due process hearings, but, except for the timelines as modified in paragraph (c)(3) of this section, the State must ensure that the requirements in §§ 300.510 through 300.514 are met.

(5) The decisions on expedited due process hearings are appealable consistent with § 300.514.

§ 300.533 Placement during appeals.

When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in § 300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

34 CFR 300.534

§ 300.534 Protections for children not determined eligible for special education and related services.

(a) General. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) Basis of knowledge. A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred--

(1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

(2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or

(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

(c) Exception. A public agency would not be deemed to have knowledge under paragraph (b) of this section if-

(1) The parent of the child--

(i) Has not allowed an evaluation of the child pursuant to §§ 300.300 through 300.311; or

(ii) Has refused services under this part; or

(2) The child has been evaluated in accordance with §§ 300.300 through 300.311 and determined to not be a child with a disability under this part.

(d) Conditions that apply if no basis of knowledge. (1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.

(2)(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under § 300.530, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of §§ 300.530 through 300.536 and section 612(a)(1)(A) of the Act.

HISTORY:

[57 FR 44798, Sept. 29, 1992; 64 FR 12406, 12456, Mar. 12, 1999; 71 FR 46540, 46753, Aug. 14, 2006]

AUTHORITY: (20 U.S.C. 1415(k)(5))

34 CFR 300.535

§ 300.535 Referral to and action by law enforcement and judicial authorities.

(a) Rule of construction. Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) Transmittal of records. (1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

HISTORY:

[64 FR 12406, 12457, Mar. 12, 1999; 71 FR 46540, 46753, Aug. 14, 2006]

AUTHORITY: (20 U.S.C. 1415(k)(6))

34 CFR 300.536

§ 300.536 Change of placement because of disciplinary removals.

(a) For purposes of removals of a child with a disability from the child's current educational placement under §§ 300.530 through 300.535, a change of placement occurs if--

(1) The removal is for more than 10 consecutive school days; or

(2) The child has been subjected to a series of removals that constitute a pattern--

(i) Because the series of removals total more than 10 school days in a school year;

(ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

(iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

(b)(1) The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

(2) This determination is subject to review through due process and judicial proceedings.

HISTORY: [64 FR 12406, 12457, Mar. 12, 1999; 71 FR 46540, 46753, Aug. 14, 2006]

AUTHORITY: (20 U.S.C. 1415(k))

§ 300.537 State enforcement mechanisms.

Notwithstanding §§ 300.506(b)(7) and 300.510(d)(2), which provide for judicial enforcement of a written agreement reached as a result of mediation or a resolution meeting, there is nothing in this part that would prevent the SEA from using other mechanisms to seek enforcement of that agreement, provided that use of those mechanisms is not mandatory and does not delay or deny a party the right to seek enforcement of the written agreement in a State court of competent jurisdiction or in a district court of the United States.

HISTORY: [71 FR 46540, 46753, Aug. 14, 2006]

AUTHORITY: (20 U.S.C. 1415(e)(2)(F), 1415(f)(1)(B))

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools, pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007 (Act), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172) (2007 Supp.), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following rule. The rule will repeal Title 5, Chapter 25 of the *D.C. Municipal Regulations* (DCMR), and replace it with Chapter B25 to establish revised student discipline rules for the District of Columbia Public Schools (DCPS).

A notice of proposed rulemaking was published in the *D.C. Register* on March 27, 2009 (56 DCR 2399). No changes have been made to the text of the proposed rules. Additionally, the Student Discipline Regulations Approval Resolution of 2009 (PR18-201) was submitted to the Council on April 7, 2009. The Council has neither approved nor disapproved of the rulemaking during the required 45 day period of Council review and they are therefore deemed approved pursuant to section 103 of the Act. These rules shall become effective on the date of publication of this notice in the *D.C. Register*

Chapter 25 of Title 5 is repealed

A new Chapter B25 of Subtitle B of Title 5 of the DCMR is added to read as follows:

CHAPTER B25 STUDENT DISCIPLINE

B2500	GENERAL POLICY
B2501	APPLICABILITY
B2502	GROUNDS FOR DISCIPLINARY ACTION
B2503	POLICY FOR DISCIPLINARY ACTIONS
B2504	POLICY FOR SUSPENSIONS AND EXPULSIONS
B2505	PROCEDURES FOR SUSPENSIONS AND EXPULSIONS
B2506	PROCEDURES FOR DISCIPLINARY HEARINGS
B2507	HEARING OFFICER RECOMMENDATIONS
B2508	REVIEW BY THE CHANCELLOR
B2509	RE-ENTRY FOLLOWING EXPULSION
B2510	PROPOSED DISCIPLINE OF A STUDENT WITH DISABILITY
B2599	DEFINITIONS

B2500 GENERAL POLICY

B2500.1 It is the policy of D.C. Public Schools (DCPS) that a safe environment conducive to learning shall be maintained. To build and maintain this environment, DCPS shall provide students, families, and staff with clear expectations and rules for appropriate school behavior. These rules must balance the responsibilities and rights of individuals and the responsibilities and rights of the school community.

These rules must reflect the individual's responsibility for contributing to a safe environment conducive to learning and the need for mutual respect and cooperation among all segments of the school community.

- B2500.2 DCPS is committed to helping students learn the expectations and rules for appropriate school behavior and the range of disciplinary responses for inappropriate or disruptive behavior. DCPS will recognize and encourage students who exhibit appropriate, non-disruptive behavior. DCPS will encourage prevention and intervention strategies to prevent inappropriate behavior. To that end all available resources, subject to budgetary limitations, shall be utilized, including preventive and responsive interventions that support students' needs.
- B2500.3 When a student's behavior disrupts the school community's safe learning environment, DCPS will use a range of disciplinary responses intended to change and manage inappropriate behavior. In administering disciplinary responses, DCPS will work with students to correct inappropriate behavior. Students will be enabled and encouraged to reflect on their actions, to learn from mistakes, and to restore any relationships that have been negatively impacted.
- B2500.4 Whenever possible, prevention, intervention, and remediation strategies shall be used in addition to disciplinary responses at all stages of the disciplinary process, including students transitioning from Suspension or Expulsion.
- B2500.5 DCPS shall involve family members in efforts to determine the causes of misbehavior and in efforts to support appropriate school behavior.
- B2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:
 - (a) Anger management;
 - (b) Attendance intervention plans;
 - (c) Behavior intervention plan;
 - (d) Behavior log/behavior progress report;
 - (e) Behavior redirection;
 - (f) Community conference;
 - (g) Community service;
 - (h) Conflict resolution;
 - (i) Crime awareness/prevention programs;

- (j) Diverse instructional strategies;
- (k) In-school program restructuring (schedule change);
- (l) Individual or group counseling;
- (m) Intervention by guidance counselor or mental health professional;
- (n) Mediation, including teacher/student mediation and multi-party dispute resolution;
- (o) Mentoring;
- (p) Parent conference;
- (q) Parent observation of student;
- (r) Positive feedback for appropriate behavior;
- (s) Positive behavior supports
- (t) Problem solving conferences;
- (u) Referral to community based organizations;
- (v) Referral to substance abuse counseling service;
- (w) Rehabilitative programs;
- (x) Restitution;
- (y) Restorative justice strategies;
- (z) Social skills instruction;
- (aa) Student support team meeting; and
- (bb) Other appropriate intervention strategies.
- B2500.7 DCPS decisions regarding student behavior and discipline shall respect individuals, balance the interests of the school community, and minimize disruption of academic instruction.
- B2500.8 DCPS shall provide a fair and consistent approach to student discipline within the context of students' rights and responsibilities, as further articulated in these rules.

- B2500.9 Disciplinary responses shall be logical, appropriate, and instructive. Disciplinary responses shall consider factors such as:
 - (a) The nature of the infraction;
 - (b) Circumstances relating to the infraction;
 - (c) The age of the student;
 - (d) The student's previous behavioral history;
 - (e) Previous participation in counseling or conflict resolution efforts such as peer mediation;
 - (f) Whether injury occurred;
 - (g) Whether a weapon or controlled substance was involved;
 - (h) The safety of other students and staff;
 - (i) The educational needs of other students;
 - (j) The educational needs of the student to be disciplined (including those enumerated in an IEP or a plan issued pursuant to § 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 U.S.C. § 794)); and
 - (k) Extenuating circumstances.
- B2500.10 Disciplinary responses, as defined in § B2502 of this chapter, shall be aimed, to the extent practicable under the circumstances, to enable students to continue their instructional program.
- B2500.11 Staff shall implement disciplinary responses in a progression, beginning with the least severe appropriate response, within the range of permissible disciplinary responses as enumerated in § B2502.
- B2500.12 Disciplinary responses shall include, but not be limited to, the following strategies:
 - (a) Verbal redirection/reprimand;
 - (b) Teacher/student conference;
 - (c) Parental contact (written or by phone);

- (d) Parent conference;
- (e) Temporary Removal of Student from Classroom;
- (f) In-School Disciplinary Action;
- (g) Behavior contract;
- (h) Grade reduction for Academic Dishonesty only;
- On-site Short-Term Suspension (one (1) five (5) school days for Secondary students or one (1) – three (3) school days for Elementary students);
- (j) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
- (k) Off-site Medium-Term Suspension (six (6) ten (10) school days), except in response to unexcused tardiness or absence;
- (l) Off-site Long-Term Suspension (eleven (11) ninety (90) school days), except in response to unexcused tardiness or absence; and
- (m) Expulsion (off-site Suspension for one calendar year).
- B2500.13 Except for those corrective and disciplinary measures permitted pursuant to § B2408 of this title, involuntary transfers pursuant to Chapter 21 shall not be used as a disciplinary response.
- B2500.14 Students shall receive adequate and timely notification of student infractions and disciplinary responses.
- B2500.15 A copy of the DCPS policies and rules regarding student discipline shall be distributed or made available to students and parents within thirty (30) days after the start of each school year or upon initial enrollment, whichever occurs later.
- B2500.16 A copy of the DCPS policies and rules regarding student discipline shall be distributed or made available to school staff within thirty (30) days after the start of each school year, or upon initial employment, whichever occurs later.
- B2500.17 All oral communications, including conferences, appeals, and hearings conducted with any student, parent, or guardian shall be conducted with interpretation services when necessary to ensure effective communication. Interpretation service shall include a qualified interpreter, as that term is defined in D.C. Official Code § 2-1901 (2007 Rpl.) or DCPS staff member who is fluent in the individual's native

language. A certified sign language interpreter shall be provided for any student, parent, or guardian who is deaf or hard of hearing upon request.

B2500.18 All written documents concerning the disciplinary process shall be considered vital documents and provided to any student, parent, or guardian in a format that he or she can understand. For individuals with Limited or No-English Proficiency, documents shall be provided in the individual's native language. For individuals with vision impairments, reasonable accommodations shall be made to provide documents in a manner accessible to the individual, including but not limited to Braille, large type, audio recording, or some other suitable electronic media.

B2501 APPLICABILITY

- B2501.1 The provisions of this chapter shall be enforceable by school authorities, as follows:
 - (a) When the student is on school grounds;
 - (b) 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;
 - (c) When the student is off school grounds and traveling on transportation provided by DCPS and the activity involves any conduct prohibited by this chapter;
 - (d) When the student commits a prohibited offense that occurs during beforeschool or after-school programs; and
 - (e) 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.

B2502 GROUNDS FOR DISCIPLINARY ACTION

- B2502.1 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.
 - (a) The following behaviors shall be considered Tier I behaviors:
 - (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.
- (b) Disciplinary responses for Tier I behaviors shall include:
 - (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

- (8) Other school-based consequences as approved by a person designated by the Chancellor.
- B2502.2 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.
 - (a) The following behaviors shall be considered Tier II behaviors:
 - (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.
 - (b) Disciplinary responses for Tier II behaviors shall include:
 - (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 B2408.16 of this title.
- B2502.3 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 on-site or off-site Suspension.
 - (a) The following behaviors shall be considered Tier III behaviors:
 - (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;
- (28) Documented Pattern of Persistent Tier II Behavior
- (b) Disciplinary responses for Tier III behaviors shall include:
 - (1) Verbal redirection/reprimand;
 - (2) Teacher/student conference or administrator/student conference;
 - (3) Parental contact (written or by phone);
 - (4) Parent conference;
 - (5) Temporary Removal of Student from Classroom;
 - (6) Behavior contract;
 - (7) In-School Disciplinary Action;
 - (8) Grade reduction for Academic Dishonesty;
 - (9) On-site Short-Term Suspension with provision of appropriate intervention services;
 - (10) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence; and
 - (11) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence.
- B2502.4 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 result in off-site Suspension.
 - (a) The following behaviors shall be considered Tier IV behaviors:

- (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 2502.3(a)(1) through (27).

- (b) Disciplinary responses for Tier IV behaviors include:
 - (1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
 - (2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and
 - (3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.
- B2502.5 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 result in off-site Suspension or Expulsion.
 - (a) The following behaviors shall be considered Tier V behaviors:
 - (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, substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;
- (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
- (24) Documented Pattern of Persistent Tier IV Behavior.
- (b) Disciplinary responses for Tier V behaviors include:
 - (1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and

- (2) Expulsion.
- (c) Weapons include, but are not limited to:
 - (1) Weapons enumerated in D.C. Official Code §22-4514 (2001);
 - (2) Firearms as enumerated in 18 U.S.C. § 921 (2000);
 - (3) Knives (e.g. bowie, dirk, lock-blade, hunting, pen, pocket, switchblade, utility, boxcutter, etc.);
 - (4) Martial arts devices (e.g. Chinese stars, 'nunchucks', etc.);
 - (5) Air gun, bb gun, paintball gun;
 - (6) Other weapons or instruments designed to be or commonly used as weapons (e.g., chains, clubs, knuckles, night stick, pipes, studded bracelets);
 - (7) Mace, pepper spray, tear gas;
 - (8) Explosives;
 - (9) Slingshot;
 - (10) Bullets;
 - (11) Chemical weapon; and
 - (12) Razorblade or razor.

B2503 POLICY FOR DISCIPLINARY ACTIONS

- B2503.1 All disciplinary actions shall be effected pursuant to the rules in this Chapter. Disciplinary actions that do not result in removal from the classroom for more than half a school day may be effected through procedures established by the principal at each school. The principal shall establish such procedures in writing and provide a written copy to students and parents. Procedures shall include a process for appealing such disciplinary responses to the principal.
- B2503.2 Principals shall ensure that accurate, appropriate documentation is maintained of all disciplinary actions.
- B2503.3 The Chancellor, at his or her discretion, may review and modify any proposed disciplinary action.

- B2503.4 Disciplinary responses for all tiers of behavior may be assigned only after consideration of the factors involved in the inappropriate behavior as outlined in § B2500.9, and after consideration of prevention, intervention, and remediation responses as outlined in § B2500.6.
- B2503.4 Disciplinary responses for students with disabilities shall be imposed in compliance with § B2510 of these Rules.
- B2503.5 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. Disciplinary records are primarily for the use of the school that the student attends. Disciplinary records shall be maintained by the school until the student is promoted to the next educational level, e.g., from Elementary to Secondary.

B2504 POLICY FOR SUSPENSIONS AND EXPULSIONS

- B2504.1 The policies and procedures described in § B2504 shall apply to all on-site and off-site Suspensions and Expulsions.
- B2504.2 Off-site Suspension and Expulsion shall not be used in response to unexcused tardiness or absence.
- B2504.3 Principals shall consider all extenuating circumstances before recommending Expulsion.
- B2504.4 A student may be suspended prior to a conference pursuant to § B2505 if he or she is contributing to an emergency situation in a school. An emergency situation may exist either because of general conditions in the school (e.g., a series of fires or False Alarms; a manifestly high level of student tension; an increasing number of fights or physical attacks; a large number of abuses of property) or because the behavior of an individual student is so disruptive or dangerous that he/she poses 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.
- B2504.5 A student may be expelled from DCPS only for the commission of an infraction as set forth in § B2502.5.
- B2504.6 Students who have been suspended or expelled shall not be 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 his or her designee shall be for system-wide testing, or College Board or admission examinations.

- B2504.7 Any Suspension, including on-site Suspension, in excess of two (2) in a single semester must be approved by a person designated by the Chancellor.
- B2504.8 In accordance with the An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-201 *et seq.*), all children of compulsory school age are required to attend school or receive an equivalent education approved by the Office of the State Superintendent of Education.. Notwithstanding the parent's responsibility to ensure that the child attends a school, a student may be subject to Suspension or Expulsion from DCPS pursuant to this chapter.
- B2504.9 The principal or other school official may establish, or make a referral to, a special class or other supervised program for students who are suspended, subject to the approval of a person designated by the Chancellor. This special class or other supervised program may be located within a student's home school or at another appropriate DCPS site.
- B2504.10 A student who has been suspended or expelled shall have access to an Education Plan as follows:
 - (a) If a student is suspended for fewer than eleven (11) days, the principal initiating the Suspension shall provide an Education Plan that meets the student's educational needs and allows the student to make up any class and homework assignments and exams without penalty.
 - (b) If a student is suspended for eleven (11) days or more or expelled, the student shall be placed in an Alternative Educational Setting that will allow the student the opportunity to continue to earn credits towards promotion or graduation requirements.
- B2504.11 Restitution and/or school service may be required in any case involving school property (e.g., arson, vandalism, burglary, robbery). The amount of restitution or type of school service shall be determined by a person designated by the Chancellor.
- B2504.12 If a student's Suspension or Expulsion is for a period exceeding the number of school days remaining in the school year, any remaining part of the term of the Suspension or Expulsion may be applied to the succeeding school year.
- B2504.13 Students younger than the age of fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours unless accompanied by a parent or guardian, or his or her designee. Students older than fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours until a parent or guardian, or his or her designee, has been contacted by phone or in person and given a reasonable opportunity to arrange for proper supervision of the student. If the parent or

guardian of a suspended student cannot be notified by phone or in person, the student must remain at school until the end of the school day.

- B2504.14 If the parent or guardian of a student who has been suspended cannot be contacted by phone or in person before the next school day, and the student arrives at school, he or she must remain in the building until a parent or guardian can be contacted and given a reasonable opportunity to arrange for proper supervision of the student or until the end of the school day. The student may be segregated and must be appropriately supervised during this time. Any such day will count toward fulfilling the term of the student's Suspension.
- B2505.15 Except in cases of immediate emergency Suspensions pursuant to § B2504.4, students shall remain in their regular assigned classroom or education setting until the final determination of the Suspension has been made.
- B2504.16 For students seeking to enroll in DCPS and who have been suspended or expelled from their current school, or who have withdrawn while disciplinary action is pending, a person designated by the Chancellor shall review the facts and circumstances regarding the student's Suspension, Expulsion, or withdrawal pending Expulsion, if the infraction for which the student was disciplined is one for which the student could have been disciplined within DCPS. The purpose of this review is to determine the appropriate placement within DCPS.

B2505 PROCEDURES FOR SUSPENSIONS AND EXPULSIONS

- B2505.1 Authority to impose Suspensions and Expulsions is as follows:
 - (a) On-site Short-Term Suspension may only be authorized by the principal or a person designated by the Chancellor.
 - (b) Off-site Short-Term Suspension may only be authorized by the principal or a person designated by the Chancellor.
 - (c) Off-site Medium-Term Suspension may be proposed by the principal and may be authorized only by a person designated by the Chancellor. A person designated by the Chancellor may modify the proposed action including rescission.
 - (d) Off-site Long-Term Suspension may be proposed by the principal and may be authorized only by a person designated by the Chancellor. A person designated by the Chancellor may modify the proposed action including rescission.
 - (e) Expulsion, except Expulsions for violations relating to the Gun-Free Schools Act, may be proposed in writing by the principal to a person designated by the Chancellor and may be authorized only by the head of the

Office of Youth Engagement pursuant to the recommendation of a person designated by the Chancellor.

- B2505.2 Expulsions for violations of the Gun-Free School Act may be modified only by the Chancellor.
- B2505.3 Any student who is to be suspended or expelled shall be given a conference with the school official responsible for proposing the disciplinary action, prior to the Suspension or Expulsion. In the event that a student is suspended pursuant to § 2504.4 due to emergency conditions, the conference shall be held no more than three (3) school days after the Suspension is initiated.
- B2505.4 The conference shall include a discussion of the following:
 - (a) The grounds for disciplinary action as referred to in this chapter including a citation of the rule(s) upon which the action is based, and a description, in reasonable detail, of the facts and events upon which the disciplinary action is proposed;
 - (b) An explanation of the evidence or facts upon which the school official has determined that the student has committed an infraction, as defined in this chapter, including a summary of the recommended disciplinary action;
 - (c) An opportunity for the student to present the student's version of the facts or to explain the events or action upon which the alleged infraction is based;
 - (d) The decision regarding the infraction and the recommended disciplinary action to be provided after the student has had an opportunity to present his or her version of the facts and/or to explain the events or actions upon which the alleged infraction is based;
 - (e) A statement informing the adult student, or minor student's parent or guardian, of the right to examine the student's records and any official report of the incident prior to the imposition of the proposed discipline; and
 - (f) The student's rights to an appeal pursuant to § B2505.13 or to a hearing pursuant to § B2505.14.
 - (g) If the principal is recommending Long-Term Suspension or Expulsion, the principal shall report his or her findings and recommendations from the conference in writing to the student and parent or guardian and a person designated by the Chancellor. The principal shall also inform the student and parent or guardian in writing of disciplinary hearing procedures,

appeal rights, the intervention supports available to the student, and the requirements for readmission.

- B2505.5 The conference may include the parent or guardian, witnesses, and/or legal representative, but participation by such party(ies) shall not be required.
- B2505.6 Students and parents or guardians shall be provided written notice of all Suspensions and Expulsions as follows:
 - (a) No student may be suspended or expelled, including on-site Suspension, without written notice to the adult student or minor student's parent or guardian.
 - (b) Following the oral notice provided to parents or guardians pursuant to § B2504.13 verifiable written notice using contact information provided by the parent or guardian (e.g. email, certified mail, or hand-delivered mail with a signature receipt) of all authorized or proposed Suspensions and Expulsions must be sent to the parent or guardian or to the adult student no later than one (1) school day after the decision by the principal or a person designated by the Chancellor to authorize or propose Suspension or Expulsion.
 - (c) The notice must inform the parent or guardian of the identity of the person who has the authority to modify or rescind the proposed Suspension or Expulsion. Adult students shall receive notification of their infraction in the same manner.
 - (d) The notice must also include a description of the infraction including a citation of the rule(s) upon which the action is based, a summary of the facts, the length of the proposed Suspension or Expulsion, the principal's recommendation for an Education Plan or Alternative Educational Setting; and a description of the student's right to appeal pursuant to § 2505.13 or to a hearing pursuant to § B2505.14.
 - (e) A student who has been given a notice of proposed Expulsion may be immediately placed on Suspension in accordance with the rules and procedures set forth in this section.
- B2505.7 A principal authorizing Short-Term Suspension shall submit the authorization to a person designated by the Chancellor within one (1) school day.
- B2505.8 A principal or school official proposing Medium- or Long-Term Suspension must immediately submit the proposal to a person designated by the Chancellor. A person designated by the Chancellor may authorize the proposed Suspension or modify it to reduce the number of days suspended.

- B2505.9 A principal or school official proposing Expulsion shall make a written recommendation for Expulsion to a person designated by the Chancellor no more than one (1) school day after the Expulsion conference. The principal's recommendation may be made based upon an initial recommendation from a teacher or other school official. The recommendation to expel shall be supported by sufficient written documentation to enable a person designated by the Chancellor to make an independent decision regarding Expulsion. A copy of this recommendation and any attendant documentation shall also be provided to the parent or guardian of the student involved.
- B2505.10 No more than five (5) school days after receiving the principal's findings, a person designated by the Chancellor shall either concur with or modify the recommended action. If a principal recommends Expulsion for bringing a weapon as defined in 18 U.S.C. § 921 into DCPS in violation of the Gun-Free Schools Act, only the Chancellor may modify the Expulsion recommendation.
- B2505.11 In determining whether to propose an Expulsion, a person designated by the Chancellor shall consider the factors enumerated in § B2500.
- B2505.12 If a person designated by the Chancellor does not concur with the recommended Expulsion, he or she may propose other disciplinary action.
- B2505.13 If a person designated by the Chancellor concurs with the recommended Expulsion, he or she shall immediately forward a written proposal for Expulsion to the head of the Office of Youth Engagement.
- B2505.14 A student who has been suspended for fewer than eleven (11) days may appeal the Suspension as follows:
 - (a) A Short-Term Suspension may be appealed to the principal.
 - (b) A Medium-Term Suspension may be appealed to a person designated by a Chancellor.
 - (c) All appeals must be made by the student's parent or guardian or the adult student, either orally or in writing to the principal or person designated by the Chancellor, as appropriate, no later than two (2) school days after receiving the notice of Suspension, and may be made prior to receiving formal written notice of the Suspension. An appeal made orally shall be put in writing by the person receiving the request.
 - (d) All appeals will be heard by the principal (for Short-Term Suspensions) or a person designated by the Chancellor (for Medium-Term Suspensions) no later than one (1) school day after the appeal is requested. Upon request of the adult student or minor student's parent or guardian, the time for the appeal may be extended up to three (3) school days. The appeal may be

held by telephone upon request of the parent or guardian if necessary due to health, work, or childcare.

- (e) The student and his or her parent or guardian may present evidence and ask witnesses to speak.
- (f) At the conclusion of the conference, the principal or a person designated by the Chancellor, as appropriate, shall render a final decision.
- (g) No more than one (1) school day after the conference, the principal or a person designated by the Chancellor, as appropriate, shall give the student and his or her parent or guardian, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings, including the final decision.
- B2505.15 A student who has been suspended for eleven (11) days or more or who has been expelled shall have a disciplinary hearing pursuant to the procedures in § 2506.
- B2505.16 No more than one (1) school day after authorization or modification of a Long-Term Suspension or Expulsion, the person designated by the Chancellor shall forward the recommended Suspension or Expulsion to the hearing office for immediate scheduling and shall provide notice of the intent to schedule a hearing to the parent or guardian or adult student.
- B2505.17 Once a hearing is scheduled by the hearing office, the student shall be placed on Suspension, or in another appropriate placement until the conclusion of the hearing and appeals processes.

B2506 PROCEDURES FOR DISCIPLINARY HEARINGS

- B2506.1 Disciplinary hearings shall be held at a time and place that is reasonably convenient to the student and parent or guardian.
- B2506.2 For Long-Term Suspensions and Expulsions, the hearing shall be held not more than four (4) school days after a written notice regarding disciplinary action is provided to the parent or guardian or adult student, except that the hearing may be postponed for not more than five (5) school days upon the request of the adult student, minor student's parent or guardian, or his or her representative, where postponement of the hearing is necessary to prepare for the hearing, provide for the hearing, or provide for the attendance of necessary parties, including interpreters. The hearing office shall provide written notice to the parent or guardian or adult student of the date, time, and location of the hearing immediately upon scheduling the hearing. The notice from the hearing office shall state what consequences, if any, result from failure to attend the hearing.

- B2506.3 The hearing shall be closed to the public unless the parent or guardian or adult student requests an open hearing.
- B2506.4 The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student.
- B2506.5 The student, parent or guardian, or representative shall have the right to question any witness or challenge any documentary evidence.
- B2506.6 The parent or guardian or adult student shall have the opportunity to present testimony and documentary evidence, including the opportunity to call any witness to present testimony relevant to the disciplinary action or other school system recommendation. The right to call witnesses shall include the right to require the presence of any involved school official.
- B2506.7 It shall be the burden of the DCPS to show by a preponderance of the evidence that the student did commit the infraction(s) upon which the disciplinary action is based.
- B2506.8 The hearing officer shall ensure that all due process procedures have been followed or waived.
- B2506.9 The hearing officer may question any witness or party and shall examine all documentary evidence.
- B2506.10 The hearing shall not be conducted according to the rules of evidence. However, the hearing officer may exclude any testimony or evidence that is irrelevant or repetitive.
- B2506.11 The hearing officer shall ensure that the hearing is conducted in a fair and orderly manner and shall have the authority to exclude any party or other person from the hearing on the grounds of substantial interference or obstruction of the orderly hearing process.
- B2506.12 The hearing officer shall make an official electronic audio recording of the hearing, which shall constitute the official record thereof. Upon request, a copy of the recording shall be made available to the parent or guardian, adult student, or representative and the local school principal. This provision shall not preclude a parent or guardian or representative from also recording or transcribing the hearing at his or her expense.
- B2506.13 The principal or school official shall indicate a recommendation of the school system for the duration of the off-site placement.

B2507 HEARING OFFICER RECOMMENDATION

- B2507.1 Within one (1) school day of the conclusion of a disciplinary hearing, the hearing officer shall issue a written recommendation which shall include the following:
 - (a) A statement of the facts, as determined from the testimony and evidence presented at the hearing;
 - (b) A conclusion as to whether the required due process procedures have been properly followed or waived;
 - (c) A conclusion as to whether the student committed the infraction(s) upon which the disciplinary action is based; and
 - (d) A determination regarding the appropriateness of the proposed disciplinary action or an order for a modification thereof, including consideration of the factors enumerated in § B2500.8 and explicit justification for any recommended modification.
- B25072 For Long-Term Suspensions, a person designated by the Chancellor shall render a final decision no later than one (1) school day after receiving the hearing officer's recommendation.
- B2507.3 For Expulsions, the head of the Office of Youth Engagement shall render a final decision no later than one (1) school day after receiving the hearing officer's recommendation.
- B2507.4 A copy of the written determination provided by a person designated by the Chancellor or by the head of the Office of Youth Engagement shall be given or mailed, within twenty-four (B24) hours, to the adult student, the minor student's parent or guardian, and their representatives, if any.
- B2507.5 Additional copies of the determination by a person designated by the Chancellor or the head of the Office of Youth Engagement shall be sent, within twenty-four (B24) hours, to the principal or other school official in charge of the school or program in which the student is enrolled, and retained in the files of the student hearing office.
- B2507.6 If the hearing officer recommends disciplinary action is not warranted, based on the fact that the student did not violate any DCPS rule or policy, the determination shall include an order to destroy all school records regarding the disciplinary action, including any reports that relate to the incident upon which the disciplinary action was proposed, insofar as those reports individually identify the student. If the hearing officer determines that disciplinary action is not warranted and either: (a) fails to state whether a DCPS rule or policy was violated, or, (b) states that a DCPS rule or policy was violated but nevertheless finds the disciplinary action to be unwarranted, the school may maintain documents

concerning the alleged infraction until the conclusion of the school year immediately following the incident.

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

Expulsion. If the request is made orally, it shall be recorded in writing by the person receiving the request.

- (b) Upon receipt of an appeal, the Chancellor or his/her designee shall schedule a conference with the parent or guardian, or adult student, to be held within three (3) school days of receiving the appeal request.
- (c) During the conference, the parent or guardian, or adult student, may present arguments in support of his or her appeal. The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student. The appeal may be held by telephone upon request of the parent or guardian. The conference may be recorded by any of the parties.
- (d) No more than two (B2) school days after the conclusion of the conference, the Chancellor shall render a final decision. The Chancellor shall provide the parent or guardian, or adult student, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings and his or her final decision.

B2508 REVIEW BY THE CHANCELLOR

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

B2509 RE-ENTRY FOLLOWING EXPULSION

- B2509.1 Prior to the conclusion of an Expulsion, a person designated by the Chancellor shall hold a conference with the student and the student's parent or guardian to determine appropriate school placement for the student.
- B2509.2 The conference shall be held according to guidelines in § B2505, and shall include discussion of the following topics:
 - (a) The student's activities while under disciplinary action;
 - (b) The steps the student will take to avoid a subsequent disciplinary action;

- (c) Support required by the student to avoid subsequent disciplinary action; and
- (d) Any other pertinent circumstances.
- B2509.3 Effort shall be made to return the student to his or her previous school, unless a person designated by the Chancellor reasonably concludes based on the conference that another school is a more appropriate setting.
- B2509.4 The student and his or her parent or guardian shall be informed of the school placement no more than one school day after the conference, and the registration/enrollment process shall be facilitated as smoothly and quickly as possible thereafter.
- B2509.5 The principal of the receiving school shall ensure the returning student receives an appropriate academic program, as well as services to ensure a smooth transition back into the general school population (e.g., SST meeting, counseling, etc.).

B2510 PROPOSED DISCIPLINE OF A STUDENT WITH DISABILITY

- B2510.1 Nothing herein shall exempt a student with a disability from disciplinary action.
- B2510.2 In initiating disciplinary procedures applicable to all children, DCPS must ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or person s making the final determination regarding the disciplinary action. Such documentation may include, but not be limited to (with any required permission from parent/guardian): the student's current IEP, discipline file, cumulative file, anecdotal records from teachers or other school personnel, reports or recommendations from health or mental health clinicians.
- B2510.3 The removal of a student with a disability from his or her current placement for more than ten (10) school days for disciplinary reasons shall require that a determination be made as to whether the subject behavior is related to the student's disability.
- B2510.4 If the result of the review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities
- B2510.5 DCPS may order an immediate removal of a student with a disability from his or her current placement:

- (a) To an appropriate interim Alternative Educational Setting, another setting, or Suspension, for not more than ten (10) consecutive school days (to the extent such alternatives would be applied to children without disabilities); and
- (b) To an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, up to but not exceeding forty-five (45) days if:
 - (1) The student carries a weapon to school or to a school function;
 - (2) The student knowingly possesses or uses illegal drugs or solicits the sale of a controlled substance while at school or at a school function; or
 - (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction DCPS.
- B2510.6 DCPS must make a free appropriate public education available to all eligible children with disabilities, including children with disabilities who have been suspended or expelled from school. When a student with a disability is removed from his or her current placement for more than ten (10) school days for disciplinary reasons, DCPS must continue to provide the specialized instruction and related services that are specified on the student's IEP.
- B2510.7 Any interim alternative educational setting in which a child is placed must:
 - (a) Be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
 - (b) Include services and modifications designed to address the behavior described in § B2511.B2 or § B2511.3 so that it does not recur.
- B2510.8 If a disciplinary action is contemplated as described in § B2511.B2 or § B2511.3 for a behavior of a child with a disability described in either of those subsections, or if a proposed disciplinary action involves removal of a student with a disability from his or her current placement for more than ten (10) consecutive school days:
 - (a) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and of all procedural safeguards accorded by law; and

- (b) Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.
- B2510.9 Within ten (10) school days of any disciplinary decision to remove a student with a disability from his or her current placement, DCPS, the parent, and relevant members of the child's IEP Team (as determined by the parent and the DCPS) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (b) If the conduct in question was the direct result of DCPS's failure to implement the IEP.
- B2510.10 The conduct must be determined to be a manifestation of the child's disability if DCPS, the parent, and relevant members of the child's IEP Team determine that a condition in either 34 CFR 300.530(e)(1)(i) or (1)(ii) was met.
- B2510.11 If the DCPS, the parent, and relevant members of the child's IEP Team determine the condition described in 34 CFR 300.530(e)(1)(ii) was met, the DCPS must take immediate steps to remedy those deficiencies.
- B2510.12 In carrying out a review, the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team:
 - (a) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:
 - (1) Evaluation and diagnostic and results, or other relevant information supplied by the parents of the child;
 - (2) Observations of the child;
 - (3) The child's IEP and placement; and
 - (4) Any other material deemed relevant by the IEP Team, including, but not limited to, school progress reports, anecdotal notes and facts related to disciplinary action taken by administrative personnel; and
 - (b) Then determines that:

- (1) In relationship to the behavior subject to disciplinary action, the child's IEP, and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
- (B2) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
- (3) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
- B2510.13 Either before or not later than ten (10) consecutive school days after taking a disciplinary action described in § B2510.2:
 - (a) If DCPS did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the Suspension described above, DCPS must convene an IEP meeting to develop an assessment plan to address that behavior; or
- B2510.14 If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.
- B2510.15 DCPS must arrange for an expedited hearing, which must occur within twenty (20) school days of the date the complaint requesting the hearing is filed, in any case described in this section when requested by a parent.
- B2510.16 In reviewing a decision with respect to the manifestation determination, the hearing officer must determine whether DCPS has demonstrated that the child's behavior was not a manifestation of such child's disability.
- B2510.17 A disciplinary hearing officer may recommend the removal of a student with a disability from his or her current placement for not more than forty-five (45) days if the hearing officer:
 - (a) Determines that DCPS has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;
 - (b) Considers the appropriateness of the child's current placement;

- (c) Considers whether DCPS has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and
- (d) Determines that the interim alternative educational setting meets the requirements described in § B2510.14 above.
- B2510.18 In recommending the removal of a student with a disability from his or her current placement removal of a student with a disability from his or her current placement to an alternative education setting for disciplinary reasons, the hearing officer must apply the standards set out in § B2510.17 above.
- B2510.19 When a parent requests a hearing regarding a disciplinary action to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in § B2510.5 (i.e., 45 days), whichever occurs first, unless the parent and DCPS agree otherwise.
- B2510.20 If a child is in an interim alternative educational setting for disciplinary reasons and school personnel propose to change the child's educational placement after expiration of the interim Alternative Setting for disciplinary reasons, during the pendency of any proceeding to challenge the proposed change in placement, the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in § B2510.21, below.
- B2510.21 If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, DCPS may request an expedited hearing.
- B2510.22 A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of DCPS, including any behavior described in this chapter, may assert any of the applicable protections provided for in the Individuals with Disabilities Education Improvement Act, as amended, if DCPS had knowledge (as determined in accordance with § B2510.23 below), that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
- B2510.23 DCPS is deemed to have knowledge that a child is a child with a disability if:
 - (a) The parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to supervisory or administrative

personnel of [DCPS], or a teacher of the child, that the child is in need of special education and related services;

- (c) The parent of the child has requested an evaluation of the child; or
- (d) The teacher of the child or other personnel of DCPS has expressed specific concerns about a pattern of behavior or performance of the child to the Director of Special Education or to other DCPS personnel.
- B2510.24 DCPS is deemed not to have knowledge that a child is a child with a disability if: the parent of the child has not allowed an evaluation of the child pursuant to 34 CFR 300.300 through 300.311 or has refused services under Part B of the IDEA; or the child has been evaluated in accordance with 34 CFR 300.300 through 300.311 and determined to not be a child with a disability under Part B of the IDEA.
- B2510.25 If DCPS does not have knowledge that a child is a child with a disability in accordance with § B2510.23 prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures applied to children without disabilities who engaged in comparable behaviors.
- B2510.26 If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this chapter, the evaluation must be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by DCPS and information provided by parents, DCPS must provide special education and related services in accordance with the relevant provisions of the Individuals with Disabilities Education Improvement Act, as amended, except that, pending the results of the evaluation, the child must remain in the educational placement determined by school authorities.
- B2510.27 Nothing in the Individuals with Disabilities Education Improvement Act, as amended, shall be construed to prevent D.C. law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.
- B2510.28 Nothing in the Individuals with Disabilities Education Improvement Act, as amended, shall be construed to prohibit DCPS from reporting a crime committed by a child with a disability to appropriate authorities. In reporting a crime committed by a child with a disability to appropriate authorities, DCPS must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to which it reports the crime.

B2599 DEFINITIONS

- B2599.1 Unless the same term or phrase is defined in § B2599.2, the definitions set forth in § B2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.
- B2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Alternative Educational Setting" - an educational program other than that in which the student was placed prior to disciplinary action.

"Academic Dishonesty" - any conduct that unfairly influences academic outcomes including:

- (a) Plagiarism including the adoption or reproduction of ideas, words, or statements of another person or source without giving acknowledgment or credit to the person or source;
- (b) Cheating including any attempt to give or obtain assistance in with a test or examination, without permission or acknowledgment;
- (c) Deception including giving false information to instructional staff— for example, a student giving a false excuse for missing a deadline or making a false claim that assignment was submitted;
- (d) Fabrication including altering data, information, and documents affecting any student's academic records; forging signatures of authorized instructional staff or falsifying information on an official school document, i.e. report card, letter of permission, petition, class schedule, ID card, or any other official school document;
- (e) Sabotage including creating situations to prevent others from completing their work. For example, destroying another student's work, tampering with the experiments of other students; and
- (f) Unauthorized Access including gaining unauthorized access to computer systems, academic or administrative records and information; viewing or altering any records, modifying computer programs or systems, releasing or distributing information gained through unauthorized access.

"Acts of Exceptional Misconduct" - any activity that would constitute a felony, gross misdemeanor, or misdemeanor under District or federal law

"Assault" - being physically violent, using unwarranted force, or demonstrating a deliberate and immediate intent to be physically violent towards another. Assault does not include: 1) incidental touching unless it is flagrant, purposeful, repeated, or results in the threat of imminent harm; or 2) Self-Defense or the defense of someone else who is being assaulted if the force used in defense is reasonable in response to the Assault.

"**Bullying**"-repeated intentional behavior that occurs in order to intentionally harm others through verbal or non verbal Harassment, physical Assault, or other more subtle methods of coercion. Such behavior may include, but is not limited to, manipulation, teasing, taunting, threatening, hitting, stealing, destroying person al property, sending threatening/abusive emails, text messages, or other electronic communications.

"Distribution" - the transfer to any other person, with or without the exchange of money or other valuables.

"DCPS" - means the District of Columbia Public Schools.

"Documented Pattern of Persistent Behavior" – repeated commission of the same or similar infraction. Behavioral occurrences on a single school day (for Elementary students) or in a single class period (for Secondary students) are considered a single infraction. To impose disciplinary action using this standard, prior infractions must be documented no later than one school day after than the occurrence of each infraction. Only infractions occurring within the current school year shall be considered in the assessment of whether a pattern of behavior exists.

"Education Plan" - includes instructional materials and written work sufficient to allow a student the opportunity to earn grades and credits of the same value as those earned by students attending classes. The plan shall also include information regarding accessing support services, such as counseling, mental health services, etc.

"Elementary" – grades preK-grade 5

"Expulsion" - 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.

"Extortion" or "blackmail" - obtaining, or attempting to obtain, money or property from another person, with or without that person's consent, induced by wrongful use of force or intimidation, or the Threat thereof.

"False Alarm" - triggering a fire alarm or initiating a report of fire or emergency without valid cause, or accessory to this offense.

"Fighting" - engaging in or provoking physical contact involving anger or hostility. Fighting includes, but is not limited to, the following:

- (a) Engaging in mutual physical contact involving anger or hostility;
- (b) Teasing, harassing, threatening or intimidating others in a manner that results in physical contact involving anger or hostility;
- (c) Physical retaliation for teasing, harassing, threatening, or intimidating behavior; or
- (d) Verbally inciting or physically supporting a fight through one's encouragement or presence.

"Forgery" - forging notes or letters from parents, guardians, teachers, staff members, or office personnel; or the falsification of travel plans or sign-out designations.

"Gambling" - playing cards, dice, or games of chance for money or other things of value.

"Gang" - a group of individuals that are involved in illegal, intimidating or harassing conduct.

"Gun-Free Schools Act" – Federal law requiring states to have a law in place requiring the Expulsion of a student who is found to have brought a firearm to school, 20 U.S.C. § 7151.

"Hazing" - actions taken against a person for the purpose of being initiated into a group that endangers the mental or physical health, well being or safety of a student, and results in humiliation, embarrassment, ridicule, intimidation or shame.

"Harassment" - verbal or physical conduct or communication relating to an individual's actual or perceived race, color, religion, national origin, sex, age, marital status, person al 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, in a manner that denies or limits a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive environment for students, employees, or others in the school environment, or interferes with employees' performance of their job duties or the effective performance of the school-related functions of others. Harassment also includes written or verbal

communications that are electronically transmitted with the intention of creating or causing the same harm described above.

"In-School Disciplinary Action" –disciplinary actions such as after-school detention, loss of privileges (including recess), exclusion from extracurricular activities, written reflection, conflict resolution, mediation, or similar actions of short duration that do not result in the student's loss of academic instruction time.

"Inappropriate Use of DCPS Computer or Network"- any use of DCPS computers or networks in violation of the DCPS Student Internet Safety and Use Policy.

"IEP" – an individualized education program as that term is defined in § 602 of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Sat. 37; 20 U.S.C. § 1401).

"Intentional Misuse of School Equipment/Supplies/Facilities" - deliberately misusing school equipment, supplies, or facilities, including failure to follow safety rules.

"Limited or no-English proficiency" - the inability to adequately understand or to express oneself in the spoken or written English language

"Long-Term Suspension" – Suspension for eleven (11) to ninety (90) school days.

"Medium-Term Suspension" – Suspension for six (6) to ten (10) school days.

"Possession" - knowingly carrying or having an item on one's person, or exercising control over an item, that is prohibited from being on school grounds, that is either in the possession of a third-party or has been intentionally placed in a location on or near school property for the purpose of disposing of the item or retrieving the item at a future time.

"Secondary" - grade 6 or higher.

"Self-Defense" - defensive behavior that occurs while an Assault is being inflicted on oneself or another, and is not more forceful than absolutely needed to deflect the violence suffered and prevent continuing injury or harm to oneself or the other person. Examples of Self-Defense are deflecting blows without returning them and holding or holding back an attacker to keep him/her from continuing to Assault. Defensive behavior that is considerably more forceful than needed for legitimate Self-Defense may be considered Assault.

"Sexual act" - any sexual act committed among two consenting parties.

"Sexual Harassment" - deliberately harassing another person for sexual reasons or in a sexualized manner with unwanted attention, touching, or verbal comments such that the person is uncomfortable, intimidated, or threatened by the behavior.

"Short-Term Suspension" – on-site or off-site Suspension for one (1) to five (5) school days for Secondary students or one (1) to three (3) school days for Elementary students.

"Suspension" - the denial of the right of a student to attend any DCPS school or program, including all classes and school activities, except in an approved Alternative Educational Setting, in no event exceeding ninety (90) school days pursuant to the provisions of this chapter.

"Temporary Removal of Student from Classroom" – removal from the student's classroom for less than half a school day, not to extend beyond the time of dismissal on the day of the disciplinary action. During any such removal, the student shall be supervised and provided with instructional materials.

"Threat" - the communication of an intention to intimidate, harass or inflict violence, harm or terror on an individual or group of individuals, directly or indirectly, whether by physical, verbal, written, telephone, or electronic actions, which cause the other person to believe his or her life or safety, or property, is in danger.

"Trespassing" - being present on school property without permission of school authorities. This includes entering any school district property, except an approved Alternative Educational Setting, while serving an off-site Suspension or Expulsion or attending any school function at any location while serving a Suspension or Expulsion in contravention of § B2504.6.

"Use" – when referring to alcohol, marijuana or other illegal drugs, or prescription medication, means a finding, based on reasonable evidence, that a student was found to have consumed such substances without proper authorization, or that a student was found, based on reasonable evidence, to be or have been under the influence of same while under the jurisdiction of DCPS authority.

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following rule. This final rule will amend Section 2408 of Title 5 of the *D.C. Municipal Regulations* (DCMR) to revise the regulations governing dress codes and uniforms in the DCPS to permit the implementation and enforcement of mandatory uniform policies and to establish rules governing the implementation and enforcement of such policies.

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on March 27, 2009 (56 DCR 2443). No changes have been made to the text of the proposed rules. Additionally, the Mandatory Uniform Policies Regulation Approval Resolution of 2009 (PR18-202) was submitted to the Council on April 7, 2009. The Council has neither approved nor disapproved of the rulemaking during the required 45 day period of Council review and they are therefore deemed approved pursuant to section 103 of the Act. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

Section 2401.18(d) of Title 5 of the DCMR is repealed

Section 2408 of Title 5 of the DCMR is repealed

Title 5 of the DCMR is amended to add a new Chapter B24 and a new section B2408 to read as follows:

CHAPTER B24 STUDENT RIGHTS AND RESPONSIBILITIES

B2408 DRESS CODES/UNIFORMS

- B2408.1 Each District of Columbia Public School shall promulgate a local dress code or uniform policy for that school. The policy shall be established by the principal in consultation with the faculty, local school parent groups, and students.
- B2408.2 The local school dress code or uniform policy shall be as follows:
 - (a) Clearly defined;
 - (b) Not be gender specific;
 - (c) Designed to support rational and legitimate school objectives including, but not limited to, the following:

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- (1) Neatness and cleanliness;
- (2) Elimination of distractions and disruptions to the education process;
- (3) Health and safety considerations; and
- (4) Respect for the rights of others;
- (d) Include the following principles:
 - (1) Excessively dirty and/or torn clothing may not be worn in school;
 - (2) Students shall, when present in areas where the possibility of injury to the student or to others exists, such as near rotating machinery, power tools, or chemicals, wear appropriate protective clothing, gloves, eye goggles, and/or other devices needed for health and safety;
 - (3) Students participating in sports may be required to wear protective clothing and to change hairstyles for their safety and the safety of others;
 - (4) Bare or stockinged feet are not permitted in schools, outside of locker rooms;
 - (5) Non-prescriptive sunglasses, hats, clothing that exposes armpits, a bare back or midriff, see-through clothing, and accessories with protruding metal spikes are not be worn in school;
 - (6) Extremes in style and fit and extremes in style of grooming, as determined by the principal, will not be permitted.
 Boots, flat-heeled dress shoes and enclosed toe sandals and athletic shoes are permitted at all levels;
 - (7) Coats and raingear are not subject to the dress code, and a student's choice of such clothing will not be disturbed, provided it is not emblazoned with vulgar or obscene words or pictures, or badges or slogans disruptive of school order or which encourage illegal acts; and
 - (8) No student shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, blade, symbols, sign or

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other things which are evidence of affiliation with drugs, alcohol, violence or gang related activities, other criminally motivated organizations, or which exhibit profane or obscene language/gestures.

- B2408.3 Conformance with and enforcement of a local school dress code/uniform policy shall comply with all existing rules of the District of Columbia Public Schools, as well as applicable District and federal laws, except that the specific corrective and disciplinary measures described in § B2408.13 shall be applicable to dress code/uniform violations in lieu of the general disciplinary measures found in Chapter B25.
- B2408.5 The Chancellor shall develop policies, standards, and appropriate procedures for the implementation of this section.
- B2408.6 The Chancellor of the District of Columbia Public Schools hereby authorizes principals of District of Columbia Public Schools to establish and implement mandatory uniform policies for the 2009-2010 school year and successive school years.
- B2408.7 For those public schools that have already established mandatory uniform policies, the Chancellor hereby authorizes the principals to implement, monitor, and enforce compliance with them for the remainder of the 2008-2009 school year, and each successive school year, provided that:
 - (a) The principal has sought and received parental and student input regarding the policy, and a majority of the parents support the policies;
 - (b) The principal has established mechanisms to accommodate those families requiring financial assistance to obtain a uniform; and
 - (c) The principal has established and published progressive corrective measures to address violations of the mandatory uniform policy.
- B2408.8 The term "Uniform", for the purposes of a mandatory uniform policy, is defined as clothing of the same style and/or color and standard look, as agreed upon by the school community.
- B2408.9 Effective March 5, 2009, all students attending schools that have satisfied the requirements of section B2408.7 shall be required to dress in the uniform as approved by the principal and in accordance with any dress code established by the principal, or be subject to corrective measures consistent with section B2408.13. A student may not be disciplined for non-compliance where, for example, his or her otherwise conforming top is a different shade of the color adopted by the principal for its uniform.

- B2408.10 A mandatory uniform policy must accommodate students' religious expression, i.e. wearing of head coverings as part of a religious practice.
- B2408.11 Exceptions to a mandatory uniform policy will be permitted when:
 - (a) Uniforms of nationally recognized youth organizations such as the Boy Scouts and Girl Scouts are worn on regular meeting days; or
 - (b) Uniforms of nationally recognized military academies and JROTC programs are worn on regular meeting days;
- B2408.12 A mandatory uniform policy shall not prevent a student from wearing a button, armband, or other item guaranteed by the First Amendment to the U.S. Constitution unless the button or other item is related to gang, gang membership, gang activity, or other prohibited activity as described in any dress code established by the principal pursuant to subsection B2408.2.
- B2408.13 With the exception of the disciplinary action described in section B2408.16, students violating the mandatory uniform policy shall be subject to progressive corrective measures and disciplinary action. Additionally:
 - (a) Parents shall be called when a student reports to school out of uniform. The parent shall be asked to bring compliant clothing for the student to school.
 - (b) If the parents are not reachable or are unable to respond within two hours of the start of the school day, the student may be issued a conforming uniform from the school's uniform bank with directions to return it clean the next school day.
- B2408.14 Under no circumstance shall a student who fails to abide by a mandatory uniform policy be given out-of-school suspension or otherwise be barred from attending school.
- B2408.15 A fourth offense of a mandatory uniform policy may subject a student, at the principal's discretion, to on-site suspension.
- B2408.16 If a student fails to abide by a mandatory uniform policy more than four times, a behavioral contract may be written in which the consequences for not fulfilling the terms of the contract may include a referral to a placement team to determine a more appropriate setting. Any transfer to an alternative setting must be approved by the Chancellor.

- B2408.17 Each principal implementing a mandatory uniform policy shall establish a uniform bank for receipt of donated and substitute clothing to be loaned on a daily basis to non-compliant students. Any student allowed to borrow an item of clothing from the bank in order to become compliant shall be required to return it at the end of the school day.
- B2408.18 Students who are non-compliant because they require financial assistance in obtaining a uniform shall not be subject to corrective or disciplinary action.
- B2408.19 Each principal implementing a mandatory uniform policy shall establish mechanisms to accommodate families and students who may require financial assistance in obtaining a uniform.



Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 1

Tier 1 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 1 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.

Behavior	Disciplinary Response(s)
 1.1 Attending class without required class materials or assigned work 1.2 Behaviors that disrupt or interfere with classroom teaching and learning 1.3 Communication with staff and peers that is not polite, courteous, or respectful 1.4 Directing profanity or obscene/offensive gestures toward peers 1.5 Excessive noise in the classroom, hall, or building 1.6 Inappropriate displays of affection 1.7 Noncompliance with an approved dress code¹ 1.8 Off-task behaviors that demonstrate disengagement from classroom learning 1.9 Refusal to comply with reasonable staff instructions, or classroom of school rules 1.10 Refusal to present school-issued identification upon request 1.11 Running in the classroom, hall, or building 1.12 Unexcused lateness for school or class 1.13 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 	 Verbal redirection or reprimand Teacher/student conference Parental contact in writing or by phone Teacher/Parent conference Temporary Removal of Student from Classroom* In-School Disciplinary Action* Behavior contract Other school-based consequences as approved by a person designated by the Chancellor

¹ In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions are described in DCMR Chapter 24 Section B2408.16

^{*}Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website.

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 2

Tier 2 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 2 behaviors result in school-based and administrative disciplinary responses.

Behavior	Disciplinary Response(s)
 2.1 Directing profanity or obscene/offensive gestures toward staff 2.2 Inappropriate or disruptive physical contact between students 2.3 Intentional misuse of school equipment/supplies/facilities 2.4 Leaving classroom without permission 2.5 Throwing objects that may cause injury or damage property 2.6 Unauthorized presence in hallway during class time 2.7 Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones) 2.8 Unexcused absence from class 2.9 Unexcused absence from school² 2.10 Using computer/office equipment without permission 2.11 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 2.12 Documented pattern of persistent Tier 1 behavior 	 Verbal redirection/reprimand Teacher/student conference or Administrator/student conference Parental contact in writing or by phone Administrator/parent conference Temporary Removal of Student from Classroom* In-School Disciplinary Action* Behavior contract Other school-based consequences as approved by a person designated by the Chancellor

² DCMR Chapter 21 (Attendance and Transfers) provides guidance about student attendance

^{*}Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS Disciplinary Responses to Student Behavior (DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 3

Tier 3 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 3 behaviors may result in either on-site or off-site Suspension.

Behavior	Disciplinary Response(s)
Behavior 3.1 Academic dishonesty 3.2 Bullying, or using humiliating, or intimidating language or behavior including Internet bullying 3.3 Causing disruption on school properties or at any DCPS-sponsored or supervised activity 3.4 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 3.5 Engaging in behavior that demonstrates gang/neighborhood crew affiliation (displaying clothing or gestures associated with gangs) 3.6 Engaging in reckless behavior that may cause harm to self or others 3.7 Engaging in sexual acts on school premises or at school-related functions	 Verbal redirection/reprimand Teacher/student conference or Administrator/student conference Parental contact (written or by phone) Parent conference Temporary Removal of Student from Classroom* Behavior contract In-School Disciplinary Action* Grade reduction for academic dishonesty On-site Short-Term Suspension* with provision of appropriate intervention services
 3.8 Extortion 3.9 Fighting where there is no injury and no weapon 3.10 Forgery 3.11 Gambling 3.12 Hazing 3.13 Inappropriate use of DCPS computer or network (restricted websites, offensive emails) 	 Off-site Short-Term Suspension*, except in response to unexcused tardiness or absence Off-site Medium-Term Suspension*, except in response to unexcused tardiness or absence

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website.

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 3 (continued)

Behavior	Disciplinary Response(s)
 3.14 Leaving school without permission 3.15 Lying to or giving misleading information to school staff 3.16 Obscene, seriously offensive, or abusive language or gestures 3.17 Possession of tools or instruments which school administrators deem could be used as weapons 3.18 Possession or distribution of obscene or pornographic material on school premises 3.19 Possession or use of tobacco 3.20 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) 3.21 Sale or distribution of any item without authorization 3.22 Trespassing 3.23 Unauthorized possession, use, or distribution of over-the-counter medication 3.24 Use of alcohol 3.25 Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia 3.26 Verbal, written, or physical threat to person or property (including intimidating postures) 3.27 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 3.28 Documented pattern of persistent Tier 2 behavior 	 Verbal redirection/reprimand Teacher/student conference or Administrator/student conference Parental contact (written or by phone) Parent conference Temporary Removal of Student from Classroom* Behavior contract In-School Disciplinary Action* Grade reduction for academic dishonesty On-site Short-Term Suspension* with provision of appropriate intervention services Off-site Short-Term Suspension*, except in response to unexcused tardiness or absence Off-site Medium-Term Suspension*, except in response to unexcused tardiness or absence

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website.

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 4

Tier 4 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 4 behaviors result in off-site Suspension.

Behavior	Disciplinary Response(s)	
4.1 Activating false alarm	Off-site Short-Term Suspension *,	
4.2 Acts of vandalism, destruction of property, or graffiti (tagging)	except in response to unexcused	
4.3 Contaminating food	tardiness or absence	
4.4 Documented theft of school or personal property without force	Off-site Medium-Term	
4.5 Fighting which creates substantial risk of or results in minor injury	Suspension*, except in response	
4.6 Inciting others to violence or disruption	to unexcused tardiness or	
4.7 Interfering with school authorities or participating a major disruption of the school's operation	absence	
4.8 Lewd or indecent public behavior or sexual misconduct	Off-site Long-Term Suspension*,	
4.9 Persistent Harassment based on actual or perceived race, color, religion, national origin, sex,	except in response to unexcused	
age, marital status, personal appearance, sexual orientation, gender identity or expression, familial	tardiness or absence	
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		
4.10 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		
4.11 Retaliation for reporting harassment and sexual harassment		
4.12 Sexual harassment		
4.13 Tampering with, changing, or altering an official record or document of a school		
4.14 Using an article that is not normally considered a weapon to intimidate or threaten another		
individual		
4.15 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		
4.16 Documented pattern of persistent Tier 3 behavior		

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 5

Tier 5 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 result in off-site Suspension or Expulsion.

Behavior		Disciplinary Response(s)	
5.1 Acts of Exceptional Misconduct at other schools		Off-site Long-Term Suspension*, except	
5.2 Any behavior that violates the Gun Free School Act	i	in response to unexcused tardiness or	
5.3 Arson	ā	absence	
5.4 Assault with a weapon		Expulsion*	
5.5 Assault/physical attack on student or staff			
5.6 Biohazard			
5.7 Bomb threat			
5.8 Causing serious disruption or damage to school's computer systems, electronic files, or			
network			
5.9 Commission or attempted commission of any act of sexual assault or sexual aggression			
5.10 Fighting which results in a serious physical injury			
5.11 Participating in group fight which has been planned, causes major disruption to school day			
or results in substantial bodily injury			
5.12 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)			
5.13 Possession of fireworks or explosives			
5.14 Possession or distribution of alcohol			
5.15 Selling or distribution of marijuana, prescription drugs, controlled dangerous substances,			
imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia			

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website

DISTRICT OF COLUMBIA PUBLIC SCHOOLS Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 5 (continued)

Behavior	Disciplinary Response(s)
 5.16 Theft or attempted theft using force, coercion, intimidation or Threat of violence 5.17 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. 5.18 Use, threatened use, or transfer of any weapon* 5.19 Using an article that is not normally considered a weapon to injure another individual 5.20 Vandalism/destruction of property over \$500 5.21 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 5.22 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 5.23 Documented pattern of persistent Tier 4 behavior 	 Off-site Long-Term Suspension*, except in response to unexcused tardiness or absence Expulsion*

DISTRICT OF COLUMBIA PUBLIC SCHOOLS Disciplinary Responses to Student Behavior (DCPS Student Discipline Policy, DCMR Chapter 25)

Definitions of Disciplinary Responses

Temporary Removal of Student from Classroom – removal from the student's classroom for less than half a school day, not to extend beyond the time of dismissal on the day of the disciplinary action. During any such removal, the student shall be supervised and provided with instructional materials.

In-School Disciplinary Action –disciplinary actions such as after-school detention, loss of privileges (including recess), exclusion from extracurricular activities, written reflection, conflict resolution, mediation, or similar actions of short duration that do not result in the student's loss of academic instruction time.

Short-Term Suspension—on-site or off-site suspension for one (1) to five (5) school days for Secondary students or one (1) to three (3) school days for Elementary students).

Medium-Term Suspension—suspension for six (6) to ten (10) school days.

Long-Term Suspension—suspension for eleven (11) to ninety (90) school days.

Expulsion—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.

Weapons— Include, but not limited to: weapons enumerated in DC Official Code 22-4514 (2001); firearms, knives, martial arts devices, air gun, bb gun, paintball gun, mace, pepper spray, tear gas, explosives, slingshot, bullets, chemical weapon, razorblade, razor, other weapons or instruments designed to be or commonly used as weapons (chains, clubs, knuckles, night sticks, pipes, studded bracelets) and others as listed in Chapter 25 (found on DCPS website).

Notice of non-discrimination. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of 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, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The following office has been designated to handle inquiries regarding non-discrimination policies: Equal Employment Opportunity Office, District of Columbia Public Schools, 825 North Capitol Street, NE, Washington, DC 20002.

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76, D.C. Official Code § 2-1831.05(a)(7) and (b)(7) (2007 Repl. & 2011 Supp.)), hereby gives notice of the adoption of the following amendments to chapter 29, Office of Administrative Hearings: Rules for Rental Housing, Public Benefits, and Unemployment Insurance Cases, of title 1 of the District of Columbia Municipal Regulations (DCMR) on an emergency basis, with intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

The emergency and proposed rulemaking establishes new procedures that govern cases referred to OAH by the District of Columbia Public Schools (DCPS). Issuance of emergency rules is necessary because the comment period for the proposed rules will not expire until after the date that OAH will assume responsibility for cases referred by DCPS. Therefore, adoption of these rules on an emergency basis is necessary for the immediate preservation of the public health, safety, and welfare, to allow OAH to proceed promptly in this new area of jurisdiction.

These emergency rules were adopted on December 20, 2011, and became effective on that date. The emergency rulemaking will expire one hundred twenty (120) days after its adoption date (April 18, 2012) or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The title of Chapter 29, Office of Administrative Hearings: Rules for Rental Housing, Public Benefits, and Unemployment Insurance Cases, of title 1 DCMR is amended to read as follows:

CHAPTER 29 OFFICE OF ADMINISTRATIVE HEARINGS: RULES FOR DCPS, RENTAL HOUSING, PUBLIC BENEFITS, AND UNEMPLOYMENT INSURANCE CASES

Chapter 29, Office of Administrative Hearings: Rules for Rental Housing, Public Benefits, and Unemployment Insurance Cases, of title 1 DCMR is amended by adding the following sections 2900 through 2909 to read as follows:

2900 DCPS Hearings – Scope

- 2900.1 Sections 2900 through 2909 govern procedures in cases referred to OAH by DCPS.
- 2900.2 For procedural issues not covered in Sections 2900 through 2909, the rules in Chapter 28 apply.

2900.3 OAH is not required to follow any other procedural rules adopted by DCPS in cases that DCPS refers to OAH.

2901 DCPS Student Discipline Cases – Referrals

- 2901.1 DCPS may refer a student discipline case to OAH, for an Administrative Law Judge to hold a hearing and to decide:
 - (a) The material facts;
 - (b) Whether the facts show that the student committed any of the violations upon which a proposed disciplinary action is based;
 - (c) The proper Tier for any violation, as specified in 5 DCMR B § 2502; and
 - (d) Whether all appropriate due process procedures, including notice and the opportunity to respond to the charges, have been followed or have been waived.
- 2901.2 DCPS shall refer the case by filing with OAH a copy of the hearing notice it provided to the student, parent, or guardian. The hearing notice will contain the hearing date and will state the consequences of failing to attend the hearing.

2902 DCPS Student Discipline Cases – Hearings

- 2902.1 An adult student, or a minor student's parent or guardian, may request DCPS to postpone the hearing for not more than five (5) school days if necessary to prepare for the hearing or provide for the attendance of necessary parties or witnesses.
- 2902.2 The parties may, but are not required, to file exhibits and witness lists in advance of the hearing.
- 2902.3 DCPS shall allow an adult student, or a minor student's parent or guardian, to inspect the student's disciplinary file before the hearing.
- 2902.4 DCPS shall make the student's disciplinary file electronically available to OAH. OAH shall make copies of the disciplinary file available at the hearing to DCPS and the adult student or the minor student's parent or guardian. Either party may move to introduce all or part of the disciplinary file into evidence at the hearing.
- 2902.5 The parties shall have all rights set forth in Subsection 2821.5 at a hearing.
- In addition to the representatives listed in Sections 2833 and 2835, an adult student or a minor student's parent or guardian may select another person to represent a student at a hearing. Such a representative is subject to Subsections 2835.12 through 2835.14.

- 2902.7 The hearing shall be closed to the public unless the adult student or the minor student's parent or guardian requests the hearing be open to the public.
- A party who fails to appear for a scheduled hearing may ask OAH, in writing, for a new hearing date. The request must be filed within one (1) school day after the scheduled hearing date. The Administrative Law Judge may grant a new hearing date for good cause shown.

2903 DCPS Student Discipline Cases – Decisions

- 2903.1 After the close of the record in a student discipline case, the Administrative Law Judge shall issue findings of fact and conclusions of law on the issues identified in Subsection 2901.1.
- 2903.2 The Administrative Law Judge shall issue the findings of fact and conclusions of law within one (1) school day after the close of the record. OAH shall provide a copy to DCPS, which shall include it with the final decision sent to the adult student, the minor student's parent or guardian, and any authorized representative.
- If the Administrative Law Judge concludes that the student committed any of the violations upon which the disciplinary action is based, OAH will return the case to DCPS for it to decide the appropriate punishment within the Tier found to be proper by the Administrative Law Judge. DCPS shall be bound by the Administrative Law Judge's findings of fact and conclusions of law and shall have no authority to reverse or modify the findings of fact and conclusions of law.
- If the Administrative Law Judge concludes that the student did not commit any of the violations upon which the disciplinary action is based, OAH will return the case to DCPS for appropriate action. DCPS shall be bound by the Administrative Law Judge's final findings of fact and conclusions of law and shall have no authority to reverse or modify the findings of fact and conclusions of law.
- 2903.5 Because OAH must return the case to DCPS for further action, the Administrative Law Judge's decision is not a final disposition of the matter, and a statement of appeal rights is not required by Subsection 2830.1.

2904 DCPS Student Discipline Cases – Reconsideration

2904.1 No party in a student discipline case shall have the right provided by Section 2828 to file a motion for reconsideration or for a new hearing or a motion for relief from a final order.

2905 DCPS Contested Residency Cases – Referrals

2905.1 DCPS may refer a contested residency case to OAH for a final decision.

2906 DCPS Contested Residency Cases – Beginning a Case

2906.1 DCPS shall refer a contested residency case to OAH by filing a copy of the request for review that it received, along with a statement that DCPS requests OAH to hear and to decide the case.

2907 DCPS Contested Residency Cases – Hearings

- 2907.1 In all contested residency cases, OAH shall set the hearing date and issue the hearing notice.
- 2907.2 The rules in Chapter 28 apply to all hearings in contested residency cases, except that parties should file and serve the witness lists and exhibit lists required by Subsection 2821.2 no later than three (3) days before the hearing date.

2908 DCPS Contested Residency Cases – Final Orders

2908.1 The presiding Administrative Law Judge shall issue a final order in all contested residency cases, which shall include the statement of appeal rights required by Subsection 2830.1.

2909 DCPS Cases – Confidentiality of the Record

- 2909.1 The OAH record in any case referred by DCPS is confidential. Only the following persons may have access to that record:
 - (a) The adult student;
 - (b) The minor student's parent, guardian, or representative;
 - (c) Any person who has the written consent of the adult student or the minor student's parent or guardian; and
 - (d) School officials with a legitimate interest.

Section 2999, Definitions, is amended as follows:

The first sentence in section 2999, Definitions, is assigned subsection 2999.1 so that it reads as follows:

2999.1 Unless otherwise provided, the definitions in Chapter 28 apply to this Chapter.

The second sentence in section 2999, Definitions, is assigned subsection 2999.2 so that it reads as follows:

2999.2 For purposes of this Chapter, the term:

The following definitions are added in alphabetical order:

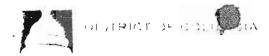
Contested residency case means a case in which an adult student or a minor student's parent or guardian has filed, pursuant to 5 DCMR E2009.3, a request for review of a decision by DCPS that a student is not entitled to tuition-free education because the student is not a resident of the District of Columbia.

DCPS means District of Columbia Public Schools.

School day means a day that school is open, whether or not students are attending, but does not include any day that OAH is closed.

Student discipline case means a case in which DCPS seeks to expel a student or to suspend a student for at least 11 days.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via e-mail to meredith.saladyga@dc.gov, or to the Office of Administrative Hearings, 441 Fourth Street, N.W., Suite 450 North, Washington, D.C. 20001, Attn: Meredith Saladyga, Attorney-Advisor. Copies of this proposed rulemaking may be obtained from www.oah.dc.gov or from the address listed above.



REQUIRED FOR SHORT TERM Notice of Final Disciplinary Action

Student Information Name: Student ID: Student ID: Date of Birth: 09/03/2004 Grade: 2	Parent/Guardian Information Name: Contraction Address: 400 Parents Washing Home phone: 202-74 Parents Cell phone: 202424 Parents Email:	gton DC 20003 Work Phone: 202 40000001 Other Contact #:
School Name, Amidon-Bowen Elementary Sch Authorizing School Official Title: Primary Contact Number	hool Date of Incident: Time of Incident: Exact Location. (: 2:20PM

11/14/2011

Dear 😂 🚬

I met with Spinler to discuss an incident on 11/14/2011 involving Fighting where there is no injury and no weapon, 3.25 (DCMR- §B2502.1).

As a result of the conference, I have determined that she is responsible for this conduct. The consequence for this behavior will be Off-site Short-Term Suspension (Elementary) for 3 days, beginning on 11/15/2011 and ending on 11/17/2011 (DCMR- §B2505.1).

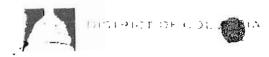
If you need further clarification regarding this issue, please contact my office at as soon as possible. Thank you for your attention to this matter.

Sincerely,

Durine T-tarn

Flicase returnore Friday 11/18/2011

(A) A set of the se



Parent/Guardian and Student Right

You have the right to examine your student's records and any official report of the incident prior to the imposition of this disciplinary action.

Appeals

Appeals can be made orally or in writing. Appeals made orally shall be put in writing by the DCPS employee receiving the request. Appeals may be made by telephone if necessary due to health, work or childcare. The student or parent may present evidence and ask witnesses to speak

→ Short-Term (In-school and Off-site) Suspensions may be appealed to the school's Principal.

→ Medium-Term Suspensions may be appealed to the school's Instructional SuperIntendent.

Appeals must be made no later than two (2) school days after receiving notification of the disciplinary action and may be made prior to receiving this notice. The Principal or Instructional Superintendent will make a final decision within one (1) school day of the conference

→ Long-Term Suspensions may be appealed to the head of the Office of Youth Engagement.

→ Expulsions may be appealed to the Chancellor

Appeals must be made no later than five (5) school days after receiving notification of the disciplinary action. A conference will be scheduled within three (3) school days of receiving the appeal request. The head of the Office of Youth Engagement or the Chancellor will make a final decision within two (2) school days of the conference.

Hearings

 \rightarrow In the case of Long-Term Suspensions and Expulsions, you will be contacted by the Office of Youth Engagement is schedule a hearing.

Hearings will be held within four (4) days of your receiving this notice. After being contacted by the Office of Youth Engagement, you will receive a written notice indicating the date, time and location of the hearing. If necessary, you may postpone a hearing up to five days in order to prepare or accommodate the schedules of necessary panies. Hearings are closed to the public, but you may request an open hearing. The student is entitled to have a representative or legal counsel, though it is not required. The student (or parent or representative) may question any witness or documentary evidence. You may present any testimony or documentary evidence and call witnesses relevant to the case, including any school officials involved. A hearing officer will conduct the hearing in a fair and orderly manner and submit his or her recommendation to the Instructional Superintendent (for Long-Term Suspensions) or the head of the Office of Youth Engagement (for Expulsions) within one (1) day.

For additional information on hearings, please contact the Office of Youth Engagement at (202) 442-5072. Full listing of procedures regarding disciplinary actions are outlined in Chapter 25 in DC Municipal Regulations, available on the DCPS website.

Mail this record - in its entirety - to the parent by email, certified mail or hand-delivered mail with a signature no later than 1 school day after the incident.

Notice of non-discrimination. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of 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, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject for disciplinary action. The following office has been designated to handle inquiries regarding non-discrimination policies: Equal Employment Opportunity Office, District of Columbia Public Schools,1200 First Street, NE, Washington, DC 20002.

MANIFESTATION DETERMINATION

SETTING THE STAGE

In carrying out a manifestation determination review, the *MDT must consider, in terms of the behavior in subject to disciplinary action, all relevant information, including:

- Evaluation and diagnostic results or other relevant information supplied by the parent;
- Observation/aniecdotal records of the student;
- IEP and placement of the student;
- Functional Behavior Assessment and/or Behavior Intervention Plan
- The current IEP and placement were appropriate and the special education services, supplemental aides and services, and behavior intervention were provided consistent with the IEP & placement

NEXT STEPS

Manifestation Determination

If the manifestation determination of the MDT is "NO" to either statement below, then the behavior <u>must</u> be considered a manifestation of the student's disability.

1) The student understood the impact and consequences of the behavior subject to disciplinary action; VES ____NO

2) The student had the ability to control the behavior subject to disciplinary action. YES NO

The determination of the MDT is that the behavior is:

______amanifestation of the disability _______not a manifestation of the disability. (Transfer records to general education for Chapter 25 procedures)

All District of Columbia Public Schools' students are given due process rights relative to student discipline in Chapter 25 of the District Columbia Municipal Regulation, Title Five (DCMR). The DCMR Title Five document is located in all public libraries and in the main office of District of Columbia Public Schools.



Section 504 Manifestation Determination Checklist

Student: _____

Date of Meeting:

- The 504 Team meeting for Discipline Procedures must be held within 10 school days of any decision to change the placement of a child with a 504 disability because of a violation of a student code of conduct. A "change of placement" generally means:
 - A. A disciplinary removal from school for more than 10 consecutive school days; or
 - B. A series of removals totaling more than 10 school days in a school year that constitutes a pattern because the behavior is substantially similar to the previous incidents that resulted in removals, and because of additional factors such as length of each removal, the total removal time, and proximity of removals.
- 2. The manifestation determination must be made by relevant members of the student's 504 Team, including the parent/guardian, and not only by school staff. At the Team meeting, the Team must review all relevant information in the student's file, including the child's 504 Plan, any teacher observations and any relevant information provided by the parents.
- 3. The 504 Team will answer the following questions:
 - A. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the child's disability?
 Yes
 No
 - B. Was the conduct in question the direct result of the district's failure to implement the 504 Plan?
 Yes

If the answer to either of these two questions is yes, then the behavior in question should be considered a manifestation of the student's disability.

- 4. If the 504 Team determines that the misconduct is a manifestation of the student's disability, then the Team should determine how to address the student misbehavior, and should consider a possible functional behavior assessment and possible development of a behavior intervention plan for the student. In addition, the Team must decide on the student future placement, and ensure that the student continues to receive a free appropriate public education.
- 5. If the Team determines that the misconduct is not related to the student's disability, then the district may use the regular disciplinary procedures applicable to students without disabilities and in the same manner. The district need not provide educational services to the student if he or she is suspended or expelled for misbehavior that is not a manifestation of the child's disability.

6. Special Rule for Drug and Alcohol Violations

If a Section 504 student is found 1) to be currently engaging in the illegal use of drugs or alcohol, and 2) to have violated school policies, rules or a code of conduct about the use or possession of drugs or alcohol, then the district may take disciplinary action against that student to the same extent and degree as the district would undertake for students who are not disabled. The district is not required to have a prior 504 Team meeting, need not determine if the use or possession is related to the student's disability, and need not provide any alternative services during any removal that may be ordered for the use or possession violation, as long as such a consequence is consistent with the policy for non-disabled students. [29 U.S.C § 705(20)(C)(iv)]



Chad Ferguson DCPS Office of Youth Engagement 1200 First St., NE Washington, DC 20002 Via fax: (202) 442-5523 and email: <u>chad.ferguson@dc.gov</u>

January 20, 2011

Dear Mr. Ferguson,

I represent YC and RC, the parents of AC. I am writing to appeal A's long-term suspension directly to you per DCMR B2507.7. We have a disciplinary hearing scheduled for tomorrow, January 21, 2011, but I want to utilize A's right to appeal directly to you per the DCMR.

A is a junior at McKinley Technology High School who was recently suspended for 25 days in violation of the law. The suspension was not conducted correctly and as a result, A has wrongfully been out of school without any work for January 18-20. The suspension was also put into place even though A is student with ADHD and the school was aware of this disability. The school has repeatedly failed to provide the protections for a student with a disability as required under the law. Mr. Pinder, the principal, identified A as student with a possible disability in 2009, but made no referrals for evaluations. The parents had repeated conversations with the school about the possibility of A having ADHD, but no action was ever taken by the school to begin any evaluations or to provide any formal interventions for A.

In addition, the school did put informal interventions into place for A in the 2009-10 school year. They were problematic insofar as they were inconsistently applied and the school did not create a written plan, however they proved to be somewhat successful. A was not disruptive and did not demonstrate behavioral concerns when he was permitted to utilize the interventions, such as drawing in class, taking a cool down and separating himself to do work. This illustrates the point that if the school had followed its legal obligations and provided appropriate interventions, the situation would not have escalated to where it is now. However, instead, the school refused to allow these accommodations in the 2010-11 school year and instead documented A's use of them as a violation of the disciplinary code.

On January 6, 2011 provided the school with a letter and verbally informed the school that A had ADHD during a re-entry meeting for a suspension. The team at that re-entry meeting discussed the need for a 504 plan, but before any of these interventions could be put into place, DCPS suspended him for 25 days.

In order to proceed with the suspension, the school must first hold a manifestation meeting as required under DC Code and must put interventions into place since DCPS has failed to do so consistently to this point. The school personnel and the Cluster X representative who I spoke

with informed me that they believe that they only have to apply these protections to a student who has a current IEP or is already in the referral process. This is a clear violation of the law, and the suspension should not be permitted to go forward until a proper manifestation meeting is conducted and only if that meeting determines that there was no manifestation of his ADHD.

With respect to the other issues with the suspension, the first is that this suspension and his past suspensions have been incorrectly charged by Mr. Moss, the vice principal. Mr. Moss alleges a Tier 4.16 violation, Persistent Tier 3 violations. However, per the DCMR, persistent violations must be repeated violations of the same or a similar nature and cannot be persistent Tier 2 violations. There is no documentation supporting persistent Tier 3 violations other than allegations of persistent Tier 2 violations, and therefore the suspension is not correct and the offenses should not even be eligible for a long-term suspension.

Second, the suspension was recorded by Mr. Moss as an emergency suspension and went forward without the signature of anyone from the Chancellor's office as required by law. Per the DCMR, a suspension can only be classified as an emergency suspension where the child poses a health or safety danger to himself or others. There are no allegations of any dangerous activities by A, and instead the school has mis-charged the suspension and then circumvented A's due process rights by falsely categorizing it an emergency suspension.

I was notified today by Julie Holt that DCPS intends to go forward with the hearing even though they concede they have not held a manifestation meeting and did not provide services to A. I am requesting that you overturn the suspension immediately based on DCPS' failure to follow the law and the numerous violations of A's rights. I am also requesting that the hearing be cancelled, or, at the very least, postponed until after the manifestation meeting.

I can be reached at 202-467-4900 ext. 547, by fax at 202-552-6001 or by email at kzeisel@childrenslawcenter.org.

Sincerely,

Kathy Zeisel

Enclosure



February 2, 2012

Dr. Amanda Alexander Instructional Superintendent DCPS 1200 First St NE Washington, DC 2000

VIA email: <u>Amanda.alexander@dc.gov</u>

Re: Appeal of 10-day suspension of Jessica Cole and third request for transfer

Dear Dr. Alexander:

I am writing to appeal the 10-day suspension proposed on Tuesday for Jessica Cole, my daughter. Jessica is a fifth grade student at Amidon-Bowen. On page two of the suspension notice it says the instructional superintendent has the authority to modify or rescind a proposed medium-term suspension, pursuant to 5 DCMR B § 2505.6(c). In addition, I am writing to request a safety transfer for Jessica to a school that is accessible for me, because Tuesday, the parent of another child threatened assault and battery of Jessica in my presence at the school.

As you know, no disciplinary action can be effectuated unless it is in accordance with the policies and procedures set forth in the DC Municipal Regulations. With respect to Jessica's suspension, multiple mandatory procedures were not followed.

The regulations encourage a progressive approach to discipline, wherein responses should begin with the least severe appropriate response and be aimed at intervention and remediation to enable students to continue in their educational program. *See* 5 DCMR B § 2500.11. Options such as anger management, community service, conflict resolution, counseling, in-school suspension, and peer court are supposed to be implemented, beginning with the least severe appropriate response. A 10-day suspension is an inappropriately severe response to this incident, for a student with minimal disciplinary history like Jessica.

Jessica should not be suspended for ten days, because it is an unfair, inconsistent, and inappropriate discipline. *See* 5 DCMR B § 2500.8-2500.10. Allegedly, a fight occurred during recess between Jessica and another student at Amidon last Thursday. The other child in the alleged fight continually threatened to fight Jessica throughout the morning of the alleged altercation. Jessica has been singled-out for this medium-term suspension, while none of the other children allegedly urging on a fight nor the instigator have been suspended. On Tuesday, when Amidon staff apparently first learned of the incident when the police arrived to investigate, I was called to the office, and when I arrived there were a bunch of parents and

children there. Allegedly, there is a video, but I never got to see the tape. Mr. Ham offered us the option to have their children clean the school after hours for two weeks instead of suspension and other children received that punishment. Mr. Ham never told me how long the suspension would be when offering the option. Since DCPS saw the alleged altercation as an infraction only warranting community service, a 10 day suspension is incongruent to the severity of offense and does not conform to DCPS's policy encouraging that disciplinary consequences enable students to continue in their instructional program.

Furthermore, the notice provided to me and the conference prior to Mr. Ham making the suspension are invalid because they did not conform to multiple mandatory regulations that ensure that the student receives due process. The Notice cites to 5 DCMR B § 2501.1 as the grounds for the suspension, however, medium-term suspensions are not permitted under that section of the discipline code. Section 2501.1 contains Tier 1 offenses. The Notice of suspension does not contain any summary of the facts as required under 5 DCMR B § 2505.6(d), impeding my and Jessica's rights to know and understand the facts underlying the infraction that DCPS has charged. Also, I was never informed of my right to examine any official report of the incident prior to the imposition of discipline, as required during any conference under 5 DCMR B § 2505.4. The proposal of 10-day suspension did not come from the principal, Ms. Izabela Miller, as required at 5 DCMR B § 2505.1(c). Last, but not least, DCPS is aware that I have a visual impairment, but the Notice and disciplinary documents were not given to me in large print to make them accessible as required by 5 DCMR B § 2500.18 and the Americans with Disabilities Act.

Jessica's suspension is illegal and invalid, because multiple procedures in the discipline code were not followed, thus violating my rights and Jessica's basic rights to due process. Jessica should be permitted to return to school immediately and the suspension rescinded.

However, I am now extremely concerned about Jessica's safety returning to Amidon-Bowen. On Tuesday, while at the school with the group of parents and students, Mr. Ham, Ms. Miller, and police officer, the grandmother of the other girl involved in the alleged fight threatened to "whip" Jessica's "a\$\$." The grandmother threatened to whip Jessica's a\$\$ and urged her granddaughter to whip Jessica's a\$\$ last week as Jessica walked home. As you know because I already requested a transfer for my children to a fully wheelchair accessible school building as a reasonable accommodation, I am a parent with disabilities and must use a wheelchair. I am extremely concerned that Jessica will be physically harmed by this other parent on the walk to or from school, and that Amidon did nothing about the threat on Tuesday. Jessica needs to be transferred immediately.

I look forward to meeting with you tomorrow and/or receiving your decision reducing or rescinding Jessica's proposed suspension and to receiving the transfer necessary to keep Jessica safe as well as to comply with DCPS's obligation to accommodate and provide program

accessibility for me as a parent with a disability. Please call me as soon as possible at (202) 543-2645.

Sincerely,

Jane Smith



Charter School handbooks can be found here:

http://www.dcpcsb.org/MISC/discipline-and-attendance.aspx

Overview

School Discipline and Bullying

From CLC's Education Practice Kit: http://www.childrenslawcenter.org/resource/practice-kit-06-education-toolkit

In this Section of the Education Toolkit, you will find information and resources about the rights of students to be appropriately disciplined (and not inappropriately removed from school), and the requirements for schools to address bullying when it is reported by students or parents.

School Discipline

All students have due process rights that can be invoked when they are being subject to inappropriate school discipline, and special education students have additional protections under the law from being suspended for behavior that may be related to their disability. There are different regulations depending on where a student is enrolled. For DCPS students, schools follow the DCMR, for students enrolled in charter schools, the specific charter school's disciplinary policy (often in the parent handbook*) applies, and for students enrolled in PG County Public Schools, the PG County administrative procedures apply. Additional legal resources for special education students are included in the tip sheets in this section, as well as in the Special Education Section.

Bullying

Given the increased awareness of bullying in schools and the long-term negative impact of bullying, schools are more and more frequently adopting (or being required to adopt) policies as to how a school will address bullying if it is reported by a student, parent or school staff. In DC, all schools are legally required to have a policy in effect regarding how the school will address bullying. Charters are supposed to have developed individual policies, and DCPS follows the DCPS District-Wide Bullying Prevention Policy. In PG County Public Schools, the PG administrative procedures apply.

This section provides information and resources regarding how to ensure that your client's rights are protected if they are being subject to discipline, or if they are being bullied in school. This section includes information regarding the discipline regulations of different jurisdictions, the bullying policies of different jurisdictions, and guidance on how to best advocate for your client's rights through multiple tip sheets.



For relevant legal resources on these topics, go to:

Federal Regulations

• 34 C.F.R. § 300.530 (discipline of a student with or suspected of having a disability)

Local/State Law & Regulations

- DC

- o 5 D.C.M.R. § B-2500 et. seq. (Discipline Regulations (including tiers))
- o 5 D.C.M.R. § B-2510 et. seq. (Discipline of a Student with a Disability)
- o 1 D.C.M.R. § 2901 et. seq. (Regulations Regarding Student Discipline Hearings at OAH)
- D.C. Code § 2-1535.01 (Youth Bullying Prevention Act of 2012)
- MD
 - o C.O.M.A.R. 13A.08.01.11 (Discipline of a Student with (or suspected of) a disability

* The Public Charter School Board ("PSCB") maintains a directory of charter school parent handbooks, which contain the school's disciplinary policies, at: <u>http://www.dcpcsb.org/MISC/discipline-and-attendance.aspx</u>.



CLC Tip Sheet Special Education & Discipline

Special Education & Discipline: Tips and Protections

Students who receive special education services under the IDEIA have additional special protections. This tip sheet details some important disciplinary provisions in federal law and regulations for special education students that you can use to advocate for your client.

- Continued Services: If a special education student has been removed from his or her current school placement for 10 days in a school year, the school system must continue to provide services that allow the child to participate in the general education curriculum and make progress toward IEP goals. 34 C.F.R. § 300.530.
 - These services may be provided in an interim alternative educational setting, as decided by the IEP team. 34 C.F.R. § 300.531.
- Change of Placement: A removal of 10 or more consecutive days in a school year is a change of placement. A pattern of removals totaling more than 10 days in a school year that involves similar behaviors may also be a change of placement. 34 C.F.R. § 300.536.
- Manifestation Determination: There cannot be a change of placement without the school system holding a special meeting, called a manifestation determination. 34 C.F.R. § 300.530 (e-f). The purpose of this meeting is to determine if the behavior resulting in the discipline is a manifestation of the child's disability.
 - If the school district has failed to implement the IEP *or* if it is determined that the child's behavior was a manifestation of the child's disability, the IEP team must conduct a functional behavior assessment (FBA) or revise an existing behavior intervention plan, and the child must be allowed to return to the original placement <u>and not be suspended</u> or removed unless the parent and school agree otherwise.
- Exception for Dangerous Behaviors: Regardless of the manifestation determination, a school system may remove a child to an interim alternative setting for certain behaviors, such as bringing a weapon to school or inflicting serious bodily injury on a person at school, for up to 45 days. 34 C.F.R. § 300.530 (g).
- *Right to Appeal:* Parents or the LEA can appeal disciplinary decisions relating to special education students. Decisions about manifestation determinations and placement can be appealed to a hearing officer. 34 C.F.R. § 300.532.
 - Disciplinary due process hearings are expedited and follow state timelines.
- Students Who Have Not Yet Been Found Eligible For Special Education: Children who do not receive special education services may still be eligible for the special education disciplinary protections if the school system had knowledge that the child had a disability, e.g. if the parent had requested an evaluation. 34 C.F.R. § 300.534.



• If a request for an evaluation is made while a student is in a disciplinary removal, the evaluation must be conducted on an expedited basis.

Advocacy Tips

Before Your Client is Suspended or Expelled

- > Be proactive, especially if your student has previously struggled with school discipline.
 - When sending records requests, include a specific request for all disciplinary records, and ask that they be contemporaneously provided to you.
 - For students not yet found eligible for special education and related services, notify the school system that you believe they are eligible and should be afforded the protections of an eligible student until the eligibility process is completed.
 - Determine, at the outset of each school year, how the "chain of command" works with respect to discipline in your student's school, e.g., are suspension requests signed off on by specific school personnel, or are they supposed to be? Ensure that all correspondence regarding eligibility is copied to that individual, as well as the special education coordinator or principal where appropriate.
- Make sure your client informs you of suspension days that may not be formal suspensions ---e.g., the student being sent home early or the parent being told to keep the student home for a field trip or other school day.

When Your Client Receives a Short-Term Suspension

- > Immediately contact the school and request all documentation regarding the suspension.
- If documentation is not received contemporaneously, ask directly (or have your client) ask the student what happened, and in writing memorialize your client's version of events as well as the fact that documentation was not provided.
- Keep track and provide the school with notice when the student has been suspended out of school (including send homes) for ten days.

When Your Client Receives a Long-Term Suspension or Expulsion

- If a student is referred for a long-term suspension (10 days or more, or an out of school suspension that brings the student over the 10th day), the school must hold a Manifestation Determination (MDR) meeting before the student hits the 10th day to prevent a denial of FAPE.
- Students may be suspended for long-term periods without the MDR being held first, but only in cases of extreme risks to health and safety. Push the school district to be very clear about why a student is a safety risk if they are advocating the student be suspended for these reasons, especially if they are not recommending a change in placement.
- If the student is suspended for more than 10 days they will be referred for a hearing at the Office of Administrative Hearings.



At the Manifestation Determination Review Meeting (MDR)

- Prior to the MDR meeting, you should be provided with all of the student's records. If you have not, note this objection at the outset of the MDR meeting. Also make sure to discuss with the student beforehand whether they have given any reports or statements about the incident and what they plan to say at the MDR.
- Sometimes it is best to have the student write a letter or statement to use as a guide for their discussion or in lieu of providing an oral statement, as the student may become upset or frustrated when the incident is discussed or different versions of the incident are shared.
- Advocate for extended discussion at the MDR of both the impact of the student's disability, and whether or not the school district is implementing the IEP, including whether or not the school has timely developed a Functional Behavioral Assessment and Behavioral Intervention Plan.

If Your Client is Suspended

- Make sure they have been placed in an alternative setting that can implement the student's IEP.
- In the case of charter schools, make sure the alternate educational setting is identified at the MDR. Charter schools cannot place students at DCPS' alternative placement (called "CHOICE" Academy) and often don't have an identified alternative placement for disciplinary purposes. As a result, they are often confused about where to place a student, but long-term discipline removal must be to an appropriate interim alternative educational setting that can implement the students' IEP, which most likely cannot be done in the student's home or a at a local library (as schools often propose).



CLC Tip Sheet Student Discipline in DC Schools

What governs school discipline for students enrolled in DC schools?

The laws or policies governing how students are disciplined in school depend on where they attend. Most charter schools maintain their own policies regarding discipline and students' rights. For students enrolled in DCPS, the disciplinary regulations can be found at 5 D.C.M.R. § B-2500 and 1 D.C.M.R. § 2901 et. seq. Special education students also have some disciplinary protections granted by federal law (for more information on this topic, see our Tipsheet on Special Education and Discipline in this Section).

Do those regulations apply to DC public charter schools as well?

No. Charter schools are exempt from local laws and regulations and thus, each school is free to set their own disciplinary policies and procedures. Those procedures can usually be found in the charter school's Parent or Student Handbook. For a listing of all the handbooks currently available, you can go to: http://www.dcpcsb.org/MISC/discipline-and-attendance.aspx.

What are the guiding principles of the DC school disciplinary regulations?

- > Students should remain in their instructional program to the maximum extent possible.
- Discipline should be implemented progressively, beginning with the least severe appropriate response; expulsion should always be the last resort.
- > Disciplinary responses should be logical, appropriate and instructive.

How is discipline defined in the DC disciplinary regulations?

Disciplinary responses are divided into 5 tiers. Tier 1 is for minor infractions and Tier 5 is the most severe. Each tier has allowable consequences that correlate with the severity of the violation. A chart of each tier, the behaviors that fall in it and the available disciplinary responses are included in this Section.

What are the lengths of each suspension type?

- > Short Term suspension:
 - o 1-5 school days for middle & high school
 - o 1-3 school days for elementary school
- > Medium term suspenion:
 - o 6-10 school days
- Long Term suspension:
 - 11-90 school days

What are some examples of permissible disciplinary responses?

For lower tier offenses: verbal redirection, teacher/student conference, parental contact, temporary removal from the classroom, in-school disciplinary action or development of a behavioral contract. For higher tier offenses: all of the previously listed interventions/responses, plus on-site short term suspension with interventions, off-site medium to long-term suspensions, or expulsion as warranted; however, expulsion and any form of school exclusion should always be the last resort.



Can a DCPS student be suspended for missing school or showing up without a uniform?

No. The DC disciplinary regulations specifically prohibit DCPS schools from suspending or expelling students for unexcused absences or failing to adhere to a mandatory uniform policy.

What, if any action, are school principals supposed to take to ensure everyone is informed about the disciplinary policies and that all incidents of discipline are recorded?

Principals should ensure that a copy of DCPS' policies and procedures on discipline are made available to each student and parent within 30 days after the start of the school year.

Can disciplinary action be taken against a student for actions that occur anywhere or at any time?

No. In order to take disciplinary action against a student in a DCPS school, the behavior must have occurred: 1) on school grounds; 2) on or off school grounds while participating in and attending a school function or activity, including field trips, extracurricular activities, or athletic events; 3) off school grounds and traveling in transportation provided by DCPS.

Students can also be disciplined for committing a prohibited offense during before-school or afterschool programs or for committing a prohibited offense off school grounds or outside regular school hours that results in significant disruption to the school environment.

What due process rights should DCPS schools be providing to students whenever a suspension or expulsion is being recommended?

- <u>Right to Written Notice</u>: The student and parent must be given written notice of all disciplinary action <u>no later than 1 day after the disciplinary action is recommended</u>.
 - That notice should include:
 - A description of the infraction and the rules upon which the action is based;
 - A summary of the facts;
 - The length of the proposed suspension or expulsion;
 - The recommendation for an education Plan or alternative educational setting; and
 - Information about the student's right to appeal.
- Right to a Student Conference: A school official must convene a conference with the student before taking disciplinary action to get their version of events.
 - The conference may include the parent or guardian and or the student's legal representative, but their participation is not required.
- Right to Remain in School Until a Final Disciplinary Determination is Made: only where emergency conditions exist (see next question below) should a student be restricted from attending school prior to a conference or hearing.
- Right to a Disciplinary Hearing (whenever expulsion or a suspension of 11+ days is recommended) in these instances, the case is automatically referred to OAH for a disciplinary hearing. For more information on the hearing process, read below.
- Right to Inspect Records: the student has a right to examine the student's records and the official report of the incident.



Right to Appeal the Disciplinary Action:

- <u>Short to medium-term suspensions</u>: Parent or guardian must request an appeal orally or in writing within 2 school days of receiving notice of the disciplinary action; appeal should be heard by principal or Chancellor's designee within 1 school day with a decision issued within 1 school day of the decision being heard.
- Long-term suspensions or expulsions: Parent must appeal within 5 school days of receiving notice of the decision (based on the school's recommendations following the OAH hearing); Office of youth Engagement ("OYE") (suspensions) or the Chancellor's Office (expulsions) should convene a conference within 3 school days to consider the appeal; OYE or the Chancellor's office shall render a final decision no later than 2 school days after the conference.

Who oversees the disciplinary hearings for long-term suspensions and expulsions?

DC's Office of Administrative Hearings ("OAH") oversees the disciplinary hearings for DCPS Students and the hearings are scheduled by OYE. The parent should receive a notice of the hearing several days prior to the scheduled hearing date and all hearings are conducted at the OAH offices located at: 441 4th Street, NW, Suite 450, Washington DC 20001 (right by the Judiciary Square metro stop).

What is the purpose of the disciplinary hearing?

The hearing gives both the parent/student and the school an opportunity to present their version of the facts. At the conclusion of the hearing, the administrative law judge will decide:

- Whether the student committed the alleged violations;
- > The proper Disciplinary Tier for any violation committed; and
- > Whether due process procedures have been followed.

Is there any time that a student can be suspended or expelled from school immediately without following the above procedures?

A student may only be excluded from school prior to a conference or hearing if they are contributing to an emergency situation at the school (defined at 5 D.C.M.R. § B-2504.4). This includes: setting a series of fires or false alarms, causing a large number of abuses of property or any behavior so disruptive or dangerous that it poses a real and immediate threat to the health and safety of the school community or the ability of the school to continue normal operations.

What are the student's due process rights in the conduct of disciplinary hearings?

- Right to a continuance: the parent/student may request to postpone the hearing up to 5 school days to prepare and secure witnesses for the hearing.
 - OAH has a standard form parents (or attorneys) can file to request another hearing date, accessible here: <u>http://oah.dc.gov/node/176542</u>.
- Right to inspect records: the parent/student has a right to inspect and see copies of the student's entire disciplinary file.
 - These records can be requested from OYE if the school cannot produce copies.



Right to bring a representative of the student's choice

- It is highly recommended that GALs attend these hearings to defend their client's interests if they are able.
- If you intend to serve as an attorney for the child at the hearing, you should file a notice of appearance to OAH in advance of the hearing the standard form and filing instructions can be accessed on OAH's website: http://oah.dc.gov.
- > Right to call witnesses and present documentary evidence in support of their case:
 - The judge and school district representative may ask questions of any witness presented.
- Right to ask questions of any witness presented by the school and challenge any of their exhibits.

When will OAH issue a decision and what impact does that decision have on the student?

The ALJ shall issue findings of fact and conclusions of law within one school day after the record closes. If the decision concludes that the student committed the alleged offense, DCPS is bound by the ALJ's findings of facts and conclusions of law, but has the discretion to decide the appropriate punishment within the proper tier found by the ALJ. If the decision concludes the student did not commit the alleged offense, DCPS is bound by that decision and cannot take further disciplinary action.

So if the ALJ recommends that a suspension be reduced to fewer days in his/her decision, the school can ignore that recommendation and still issue a longer suspension?

Yes, so long as a longer term suspension is permitted within the applicable Tier as decided by the ALJ, the school has that discretion.

What can a parent do if they disagree with the ultimate disciplinary action recommended by the school?

The parent can appeal the final notice of discipline to either OYE or the Chancellor within 5 school days of receiving the notice.





Disciplinary Responses to Student Behavior (DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 1

Tier 1 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 1 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.

Behavior	Disciplinary Response(s)
 1.1 Refusal to present school-issued identification upon request 1.2 Attending class without required class materials or assigned work 1.3 Off-task behaviors that demonstrate disengagement from classroom learning 1.4 Behaviors that disrupt or interfere with classroom teaching and learning 1.5 Unexcused lateness for school or class 1.6 Inappropriate displays of affection 1.7 Excessive noise in the classroom, hall, or building 1.8 Running in the classroom, hall, or building 1.9 Communication with staff and peers that is not polite, courteous, or respectful 1.10 Directing profanity or obscene/offensive gestures toward peers 1.11 Refusal to comply with reasonable staff instructions, or classroom of school rules 1.12 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 	 Verbal redirection or reprimand Teacher/student conference Parental contact in writing or by phone Teacher/Parent conference Temporary Removal of Student from Classroom* In-School Disciplinary Action* Behavior contract Other school-based consequences as approved by a person designated by the Chancellor

DISTRICT OF COLUMBIA

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 2

Tier 2 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 2 behaviors result in school-based and administrative disciplinary responses.

Behavior	Disciplinary Response(s)
 2.1. Using computer/office equipment without permission 2.2. Intentional misuse of school equipment/supplies/facilities 2.3 Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones) 2.4 Noncompliance with an approved dress code¹ 2.5 Leaving classroom without permission 2.6 Unexcused absence from class 2.7 Unauthorized presence in hallway during class time 2.8 Unexcused absence from school² 2.9 Inappropriate or disruptive physical contact between students 2.10 Directing profanity or obscene/offensive gestures toward staff 2.11 Throwing objects that may cause injury or damage property 2.12 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 2.13 Documented pattern of persistent Tier 1 behavior 	 Verbal redirection/reprimand Teacher/student conference or Administrator/student conference Parental contact in writing or by phone Administrator/parent conference Temporary Removal of Student from Classroom* In-School Disciplinary Action* Behavior contract Other school-based consequences as approved by a person designated by the Chancellor

¹ In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions are described in DCMR Chapter 24 Section B2408.16

² DCMR Chapter 21 (Attendance and Transfers) provides guidance about student attendance

^{*}Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website

DISTRICT OF COLUMBIA PUBLIC SCHOOLS Disciplinary Responses to Student Behavior (DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 3

Tier 3 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 3 behaviors may result in either on-site or off-site Suspension.

Behavior	Disciplinary Response(s)
3.1 Inappropriate use of DCPS computer or network (restricted websites, offensive emails)	Verbal redirection/reprimand
3.2 Sale or distribution of any item without authorization	Teacher/student conference or
3.3 Possession or distribution of obscene or pornographic material on school premises	Administrator/student conference
3.4 Possession or use of tobacco	Parental contact (written or by phone)
3.5 Use of alcohol	Parent conference
3.6 Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia	Temporary Removal of Student from Classroom*
3.7 Unauthorized possession, use, or distribution of over-the-counter medication	Behavior contract
3.8 Verbal, written, or physical threat to person or property (including intimidating postures)	 In-School Disciplinary Action* Grade reduction for academic dishonesty
3.9 Obscene, seriously offensive, or abusive language or gestures	On-site Short-Term Suspension* with
3.10 Causing disruption on school properties or at any DCPS-sponsored or supervised activity	provision of appropriate intervention
3.11 Gambling	services
3.12 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	 Off-site Short-Term Suspension*, except in response to unexcused tardiness or absence Off-site Medium-Term Suspension*, except in response to unexcused tardiness or
3.13 Engaging in sexual acts on school premises or at school-related functions	absence
3.14 Leaving school without permission	
3.15 Academic dishonesty	

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 3 (continued)

Behavior	Disciplinary Response(s)
3.16 Forgery3.17 Lying to or giving misleading information to school staff3.18 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)3.19 Engaging in behavior that demonstrates gang/neighborhood crew affiliation (displaying clothing or gestures associated with gangs)3.20 Hazing3.21 Bullying, or using humiliating, or intimidating language or behavior including Internet bullying3.22 Possession of tools or instruments which school administrators deem could be used as weapons3.23 Engaging in reckless behavior that may cause harm to self or others3.24 Extortion3.25 Fighting where there is no injury and no weapon3.26 Trespassing3.27 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	 Verbal redirection/reprimand Teacher/student conference or Administrator/student conference Parental contact (written or by phone) Parent conference Temporary Removal of Student from Classroom* Behavior contract In-School Disciplinary Action* Grade reduction for academic dishonesty On-site Short-Term Suspension* with provision of appropriate intervention services Off-site Short-Term Suspension*, except in response to unexcused tardiness or absence Off-site Medium-Term Suspension*, except in response to unexcused tardiness or absence
3.28 Documented pattern of persistent Tier 2 behavior	

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 4

Tier 4 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 4 behaviors result in off-site Suspension.

Behavior	Disciplinary Response(s)
4.1 Acts of vandalism, destruction of property, or graffiti (tagging)	• Off-site Short-Term Suspension*,
4.2 Documented theft of school or personal property without force	except in response to unexcused
4.3 Interfering with school authorities or participating a major disruption of the school's operation	tardiness or absence
4.4 Tampering with, changing, or altering an official record or document of a school	Off-site Medium-Term
4.5 Persistent Harassment based on actual or perceived race, color, religion, national origin, sex,	Suspension*, except in response
age, marital status, personal appearance, sexual orientation, gender identity or expression, familial	to unexcused tardiness or
status, family responsibilities, matriculation, political affiliation, genetic information, disability,	absence
source of income, status as a victim of an intrafamily offense, or place of residence or business	
4.6 Lewd or indecent public behavior or sexual misconduct	• Off-site Long-Term Suspension*,
4.7 Sexual harassment	except in response to unexcused
4.8 Retaliation for reporting harassment and sexual harassment	tardiness or absence
4.9 Fighting which creates substantial risk of or results in minor injury	
4.10 Inciting others to violence or disruption	
4.11 Activating false alarm	
4.12 Contaminating food	
4.13 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	
4.14 Using an article that is not normally considered a weapon to intimidate or threaten another	
individual	
4.15 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	
4.16 Documented pattern of persistent Tier 3 behavior	

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 5

Tier 5 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 result in off-site Suspension or Expulsion.

Behavior	Disciplinary Response(s)
5.1 Acts of Exceptional Misconduct at other schools	Off-site Long-Term Suspension*, except
5.2 Vandalism/destruction of property over \$500	in response to unexcused tardiness or
5.3 Selling or distribution of marijuana, prescription drugs, controlled dangerous substances,	absence
imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia	Expulsion*
5.4 Possession or distribution of alcohol	
5.5 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)	
5.6 Causing serious disruption or damage to school's computer systems, electronic files, or	
network	
5.7 Possession of fireworks or explosives	
5.8 Theft or attempted theft using force, coercion, intimidation or Threat of violence	
5.9 Assault/physical attack on student or staff	
5.10 Fighting which results in a serious physical injury	
5.11 Participating in group fight which has been planned, causes major disruption to school day	
or results in substantial bodily injury	
5.12 Using an article that is not normally considered a weapon to injure another individual	
5.13 Use, threatened use, or transfer of any weapon*	
5.14 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.	
5.15 Any behavior that violates the Gun Free School Act	
5.16 Deliberate acts that cause severe physical injury to another person (s)]

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website



Disciplinary Responses to Student Behavior

(DCPS Student Discipline Policy, DCMR Chapter 25)

Tier 5 (continued)

Behavior	Disciplinary Response(s)
 5.17 Assault with a weapon 5.18 Commission or attempted commission of any act of sexual assault or sexual aggression 5.19 Arson 5.20 Biohazard 5.21 Bomb threat 5.22 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 5.23 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 	 Off-site Long-Term Suspension*, except in response to unexcused tardiness or absence Expulsion*
to self or others 5.24 Documented pattern of persistent Tier 4 behavior	

DISTRICT OF COLUMBIA PUBLIC SCHOOLS Disciplinary Responses to Student Behavior (DCPS Student Discipline Policy, DCMR Chapter 25)

Definitions of Disciplinary Responses

Temporary Removal of Student from Classroom – removal from the student's classroom for less than half a school day, not to extend beyond the time of dismissal on the day of the disciplinary action. During any such removal, the student shall be supervised and provided with instructional materials.

In-School Disciplinary Action –disciplinary actions such as after-school detention, loss of privileges (including recess), exclusion from extracurricular activities, written reflection, conflict resolution, mediation, or similar actions of short duration that do not result in the student's loss of academic instruction time.

Short-Term Suspension—on-site or off-site suspension for one (1) to five (5) school days for Secondary students or one (1) to three (3) school days for Elementary students).

Medium-Term Suspension—suspension for six (6) to ten (10) school days.

Long-Term Suspension—suspension for eleven (11) to ninety (90) school days.

Expulsion—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.

Weapons— Include, but not limited to: weapons enumerated in DC Official Code 22-4514 (2001); firearms, knives, martial arts devices, air gun, bb gun, paintball gun, mace, pepper spray, tear gas, explosives, slingshot, bullets, chemical weapon, razorblade, razor, other weapons or instruments designed to be or commonly used as weapons (chains, clubs, knuckles, night sticks, pipes, studded bracelets) and others as listed in Chapter 25 (found on DCPS website).

Notice of non-discrimination. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of 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, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The following office has been designated to handle inquiries regarding non-discrimination policies: Equal Employment Opportunity Office, District of Columbia Public Schools, 825 North Capitol Street, NE, Washington, DC 20002

*Definition included at the end of this document. Complete policy document (DCMR Chapter 25) is available on the DCPS website

DISTRICT OF COLUMBIA

Suspension/Expulsion Form

	School Name:	
Time:	School Official:	
Student ID: Student Name:	Student Grade: Student DOB:	
	Student DOB:	
] No	
\rightarrow If yes, has a manifestation meetin		
Date:	Time:	
Briefly describe the behavior warranting susp		
Solost correct on direct of the test	· · · · · · · · · · · · · · · · · · ·	
Select corresponding behavior on reverse sid	le and enter behavior num	ber here:
misbehavior):	ribe repeated behavior (inc	clude documentation for any pattern of
misbehavior):		
Has student been removed for emergency co		Yes 🗖 No
How many injuries, if any, resulted from this	behavior?	
Has the student previously been referred to t	the office for disciplinary re	easons? 🗇 Yes 🗂 No
\rightarrow If yes, how many times?	and entire for disciplinary in	
Has the student been suspended previously t \rightarrow If yes, how many times?	this semester? 🗖 Yes (approval required if s	No short term suspensions > 2)
Indicate previous interventions employed to	mitigate this behavior:	
Verbal redirection/reprimand	🗖 Par	ent conference
 Verbal redirection/reprimand Teacher/administrator conference 	e with student 🛛 🗇 Par	avior contract
 Verbal redirection/reprimand Teacher/administrator conference Parent contact 	□ Par e with student □ Beh □ Gra	navior contract de reduction for academic dishonesty
 Verbal redirection/reprimand Teacher/administrator conference Parent contact Temporary removal from classroom 	e with student I Beh Gra Dom Los	avior contract de reduction for academic dishonesty s of privileges (including recess)
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 Verbal redirection/reprimand Teacher/administrator conference Parent contact Temporary removal from classroo After-school detention Exclusion from extracurricular act 	e with student Gra Dom Wri ivities Men Par Beh Com Com Com Com Com Com Com Com	avior contract de reduction for academic dishonesty s of privileges (including recess) tten reflection diation
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TIER 3 E	BEHAVIORS
3.1 Academic dishonesty	
□ 3.2 Bullying, or using humiliating, or intimidating language or behavior	 3.16 Obscene, seriously offensive, or abusive language or gestures 3.17 Descention of the seriously offensive, or abusive language or gestures
including internet bullying	3.17 Possession of tools or instruments which school administrators deen could be used.
□ 3.3 Causing disruption on school properties or at any DCPS-sponsored or	could be used as weapons
supervised activity	3.18 Possession or distribution of obscene or pornographic material on school are with
□ 3.4 Communicating slurs based on actual or perceived race, color, religion,	school premises
ridional oligin, sex, age, marital status, nersonal appearance, sexual action in	3.19 Possession or use of tobacco
bender identity of expression, tamilial status, family responsibilities	- state i ostrig of discributing material or literature that is disconnected
matriculation, political affiliation, genetic information, disphility, and	active using, inuminating, or damaging to students and/or staff, the start
income, status as a victim of an intrafamily offense, or place of residence -	posting material on internet or sending material electronically (via small an
submess, meluling derogatory sexual language	sen phone)
□ 3.5 Engaging in behavior that demonstrates gang/neighborhood crew	3.21 Sale or distribution of any item without authorization
armitation (displaying clothing or gestures associated with gangs)	□ 3.22 Trespassing
3.6 Engaging in reckless behavior that may cause harm to self or others	3.23 Unauthorized possession, use, or distribution of over-the-counter mediantics.
 3.7 Engaging in sexual acts on school premises or at school-related functions 3.8 Extension 	medication
□ 3.8 Extortion	3.24 Use of alcohol
3.9 Fighting where there is no injury and no weapon	3.25 Use of marijuana, controlled dangerous substances, imitation controlled by a substances of the
3.10 Forgery	controlled substances, inhalants, other intoxicants, or drug paraphernalia
3.11 Gambling	3.26 Verbal, written, or physical threat to person or property (including interimidation)
□ 3.12 Hazing	intimidating postures)
□ 3.13 Inappropriate use of DCPS computer or network (restricted websites, offensive emails)	□ 3.27 Any behavior or other conduct not specifically enumerated in any other tier in this sharter that are
	other tier in this chapter that causes significant disruption to the academic
 3.14 Leaving school without permission 2.15 Luine and the second se	environment or causes harm to self or others
3.15 Lying to or giving misleading information to school staff	3.28 Documented pattern of persistent Tier 2 behavior
TIER 4 BE	HAVIORS
4.1 Activating false alarm	
4.2 Acts of vandalism, destruction of property, or graffiti (tagging)	4.10 Possession of a weapon* or replica or imitation of a weapon (including water or replica or imitation)
4.3 Contaminating food	(including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act
4.4 Documented theft of school or personal property without force	4 4 11 Retaliation for reportion to
4.5 Fighting which creates substantial risk of or results in minor injury	 4.11 Retailation for reporting harassment and sexual harassment 4.12 Sexual harassment
4.6 Inciting others to violence or disruption	
4.7 Interfering with school authorities or participating a major disruption of the school's assess	4.13 Tampering with, changing, or altering an official record or document of a school
the school's operation	
	4.14 Using an article that is not normally considered a weapon to intimidate and the second secon
4.8 Lewd or indecent public behavior or sexual misconduct	intimidate of threaten another individual
□ 4.9 Persistent Harassment based on actual or perceived race, color, religion,	4.15 Any behavior or other conduct not specifically enumerated in any other tion in this.
national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities,	other tier in this chapter that causes disruption to the school operation
natriculation, political affiliation, genetic information, disability, source of	destroys school property, or causes significant harm to self or others
ncome, status as a victim of an intrafamily offense, or place of residence or	4.16 Documented pattern of persistent Tier 3 behavior
business	
	1411000
5.1 Acts of Exceptional Misconduct at other schools	
5.2 Any behavior that violates the Gun Free School Act	5.15 Selling or distribution of marijuana, prescription drugs, controlled dangerous substances included
J 5.3 Arson	dungerous substances, imitation controlled substances, inhalante, other
5.4 Assault with a weapon	intoxicants, controlled or drug paraphernalia
5.5 Assault/obvicel attack on the target of the	5.16 Theft or attempted theft using force, coercion, intimidation or Threat of violance
 5.5 Assault/physical attack on student or staff 5.6 Biohazard 	or violence
5.7 Bomb threat	5.17 Use, possession, or bringing to school a loaded or unloaded firearm, as defined in 10 U.S. 6. 5 as well.
	as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols block
5.8 Causing serious disruption or damage to school's computer systems,	pistols, starter pistols, revolvers, rifles, and shotguns.
ectionic files, or network	5.18 Use, threatened use, or transfer of any weapon*
5.9 Commission or attempted commission of any act of sexual assault or	5.19 Using an article that is not normally considered a weapon to injure another individual.
aggression	another individual
5.10 Fighting which results in a serious physical injury	5.20 Vandalism/destruction of property over \$500
5.11 Participating in group fight which has been planned, causes major	□ 5.21 Any other intentional use of violance f
sruption to school day or results in substantial bodily injury	□ 5.21 Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which account of the second
5.12 Possession of drug paraphernalia or controlled substance, irrespective of e amount or type, pursuant to the spin of the substance.	intimidation, or other comparable conduct which causes or attempts to cause severe physical injury, substantial disruption, or obstruction of any lawful
	initiality process, or function of the D.C. Public Schools
2001) ar bic. Official Code § 48-1101 et seg. (2001)	5.22 Any behavior or other conduct not specifically enumerated in any
5.13 Possession of fireworks or explosives	other tier in this thapter that is illegal, causes significant discussion to the
	cohest submitted to the
5.14 Possession or distribution of alcohol	school operation, or causes substantial harm to self or others 5.23 Documented pattern of persistent Tier 4 behavior

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DISTRICT OF COLUMBIA

Notification of Disciplinary Action

Date:	
Student ID:	
Student Name:	

School Name:	
School Official:	
Student Grade:	

Result of verbal notification:

□ Student is being picked-up by a parent or guardian (under age 14) OR

- Parent/Guardian has been contacted; the student is allowed to leave school grounds (age 14 & over) Name of person contacted: ______ Time contacted: ______ OR
- Parent/Guardian could not be contacted; the student is staying on school grounds until end of the day

Dear _____,

Because of the behavior described below, I held a conference with your student to determine the appropriate consequence. My decision is as follows:

I am issuing your student an on-site short-term suspension for _____ days, beginning on ____/ ____ and ending on ____/ ___. The student should return to school on _____ accompanied by a parent or guardian.

I am issuing your student an off-site short-term suspension for _____ days, beginning on ____/____ and ending on ____/___. The student should return to school on _____ accompanied by a parent or guardian.

I am issuing your student an off-site medium-term suspension for _____ days, beginning on ____/____ and ending on ____/____. The student should return to school on ______ accompanied by a parent or guardian.

□ I am proposing an off-site long-term suspension for _____ days. You will be contacted to schedule a hearing. Your student should:

- Return to school tomorrow
- **I** Remain at home; we will provide a work packet

□ I am proposing expulsion. You will be contacted to schedule a hearing. Your student should:

- Return to school tomorrow
- Remain at home; we will provide a work packet

Your student broke the following rule: _____

A description of the incident is as follows: _____

Page 1 of 2



Important Information

You have the right to examine your student's records and any official report of the incident prior to the imposition of this disciplinary action.

Appeals

- → Short-term (on-site and off-site) suspensions may be appealed to the school's Principal.
- → Medium-term suspensions may be appealed to the school's Instructional Superintendent.

All appeals must be made either orally or in writing no later than two days after receiving this notice and may be made prior to receiving this notice. Appeals made orally shall be put in writing by the DCPS employee receiving the request. Appeals may be made by telephone if necessary due to health, work or childcare. The student or parent may present evidence and ask witnesses to speak. The Principal or Instructional Superintendent will make a final decision within one (1) school day of the conference.

Hearings

 \rightarrow In the case of **long-term suspensions and expulsions**, you will be contacted by the Office of Youth Engagement to schedule a hearing.

Hearings will be held within four days of your receiving this notice. After being contacted by the Office of Youth Engagement, you will receive a written notice indicating the date, time and location of the hearing. If necessary, you may postpone a hearing up to five days in order to prepare or accommodate the schedules of necessary parties. Hearings are closed to the public, but you may request an open hearing. The student is entitled to have a representative or legal counsel, though it is not required. The student (or parent or representative) may question any witness or documentary evidence. You may present any testimony or documentary evidence and call witnesses relevant to the case, including any school officials involved. A hearing officer will conduct the hearing in a fair and orderly manner and submit his or her recommendation to the Instructional Superintendent (in the case of long-term suspensions) or the head of the Office of Youth Engagement within one day.

For additional information on hearings, contact Yvonne Martin in the Office of Youth Engagement at 202-442-5557. Full listing of procedures regarding disciplinary actions are outline in Chapter 25 in DC Municipal Regulations, available on the DCPS website.

Mail this record – in its entirety – to the parent by email, certified mail or hand-delivered mail with a signature no later than 1 school day after the decision to suspend or expel has been finalized.

Notice of non-discrimination. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of 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, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, not be tolerated. Violators will be subject to disciplinary action. The following office has been designated to handle inquiries regarding non-discrimination policies: Equal Employment Opportunity Office, District of Columbia Public Schools, 825 North Capitol Street, NE, Washington, DC 20002.

DISTRICT OF COLUMBIA	Welcome Back Plan	
School Personnel Completing Form:	Position:	
Today's date:/// Month Day Year	School:	
Student Name:	Date of birth:// Grade level:	
Address:		
Home Telephone:	Cell Telephone:	
E-mail address:		
Parent/Guardian Name:	Home Telephone:	
Cell Telephone:	E-mail address:	
Summary of Re-Entry Conference		
Present at conference:		
Student Goals:		
How will we support student toward these goa	als?	
School personnel involved to help student account	omplish goals:	
How will parent/guardian support student?		
Student services involved: Yes/No Other agencies/services involved: Scho Other:	ool psychologist / Social worker/ Attendance counsellor	
Signature of Student:	Date:	
Signature of Parent:	Date:	
Signature of School Administrator:	Date:	



PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

Student Rights & Responsibilities Handbook

2013-2014

REVISED SEPTEMBER 2013



Welcome

Dear Students, Parents and Guardians,

Prince George's County Public Schools serves over 124,000 students. The school system offers broad and varied academic programs to ensure every student excels under the guidance of talented, caring and committed staff members. From pre-schoolers learning the alphabet to high school seniors taking Advanced Placement courses and awaiting college acceptance, and for every grade in between, Prince George's County Public Schools is committed to serving the academic needs of each and every student. We are equally committed to preparing our students to be college and/or career ready upon graduation.

Students, make a decision to give 100% in class every day and be guided by respect, responsibility, reliability, honesty and integrity. These principles are the foundation for students' success in Prince George's County Public Schools.

As your child's first teacher and our partner in education, we encourage parents and guardians to continue an active role in their child's academics by visiting the school on a regular basis, supporting our teachers' educational process, participating with the Parent-Teacher Association (PTA) and volunteering in a classroom or within the school. Your consistent support and active involvement increases your child's academic experience and allows you to celebrate each and every success your child achieves in Prince George's County Public Schools.

To ensure students continue to learn in a safe and supportive environment, we have developed the Student Rights and Responsibilities Handbook. This handbook is designed to outline the expectations for students and parents/guardians, as well as the procedures to teach students decision-making and problem-solving skills, along with consistently applying rules, expectations and discipline in our schools.

Please review the contents of this handbook with your child and make sure they are aware of the opportunities and their rights and responsibilities as a member of the Prince George's County Public Schools' community.

With the support of students, parents and guardians – along with the continued dedication of teachers and staff – PGCPS will continue to soar and reach great heights for student success.

Together, we will have a great year!



TABLE OF CONTENTS

- SECTION 1: INTRODUCTION, COLLEGE AND CAREER READY, RESOURCES
 SECTION 2: RIGHTS AND RESPONSIBILITIES
 SECTION 3: GRADUATION REQUIREMENTS
 SECTION 4: STUDENT ATTENDANCE
 SECTION 5: COPING WITH PROBLEMS
- **SECTION 6:** DISCIPLINARY RESPONSES

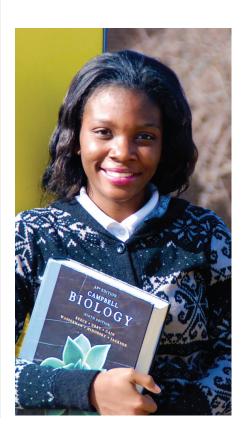
- 26 SECTION 7: DISCIPLINARY RESPONSE TERMS
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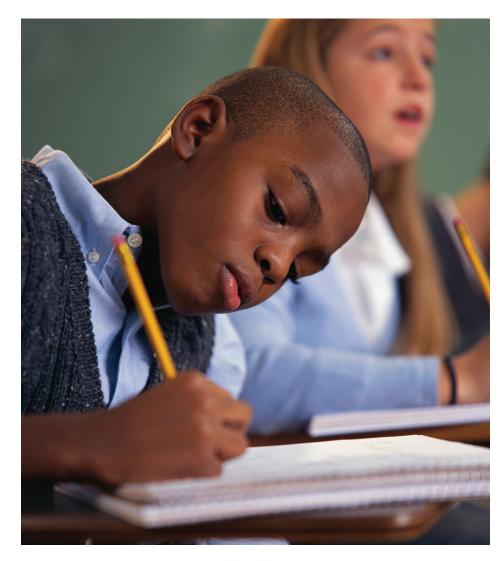
Handbook Introduction

Under the esteemed leadership of the Board of Education, PGCPS is committed to graduating all students to be college and/or career ready. This is achieved through fostering positive, nurturing and engaging learning environments.

We aim to equip our students with the knowledge, skills and resources to compete on a global level. We are also committed to maintaining a safe school environment for students and teachers.

Good discipline is essential to academic success; however, good discipline is not something that just happens. Discipline - like mathematics and reading - must be taught. We believe that it is possible to maintain disciplined, productive learning environments without excluding students from school except in the most severe instances. Four words provide the recipe for discipline in PGCPS: Prevention, Intervention and Progressive Discipline. Utilizing a common sense, age-appropriate, 5-phase discipline approach, school environments will thrive. As discipline improves, academic performance improves.

This handbook provides a framework for academic standards and positive student behavior. The contents promote positive, supportive and inclusive learning environments



that maximize students' academic achievement and minimize students' behavior issues. It explains the expectations, rights and responsibilities of all members of the school community. The handbook creates a structure where students, parents and teachers forge education partnerships and relationships critical to students' success.

Application of the Handbook/ Code of Student Conduct

This handbook and its contents are in effect during regularly scheduled school hours, as well as at other times and places, including school sponsored events, field trips and athletic functions where school administrators have authority over students or the behavior has a direct effect on the order of the school.

HANDBOOK GOALS

Share policies, procedures and best practices to ensure that students and parents understand and support our goal of academic excellence and a high quality education for all students.

Provide the student appeals process and procedures.

Share expectations of respectful and responsible behaviors based on age, developmental level and needs of the student and school community. Share school and community resources for students, parents and families.

Identify levels of responses and interventions regarding student behavior.

NOTE: Developing world class students and guiding student behavior are the cornerstones of this handbook. Students, please read and retain. Parents, please read and discuss with your child and members of your community. Teachers and administrators, please discuss the contents with your students and use this handbook as a guide for maintaining a positive learning environment. Community members, please read and share the information as you engage with your neighbors, family and friends. Working together, our students will benefit and soar to greatness.

College and Career Ready

College Ready... Career Ready... Life Ready...

The College and Career Ready Program oversees all the programs and student opportunities for students that support their readiness for successful entry into a college and/or a career. This webpage at www1.pgcps.org/collegecareer is designed to help students and parents (and staff as well) navigate through the wealth of information about getting prepared for college.

It includes information on our district programs and opportunities for students as well as the regional and national information sites that will give all our students what they need to know to be successful! Content includes:

- Graduation Requirements
- Specialty Programs
- Testing
- Careers
- Colleges
- Academic Support
- NCAA Academic Eligibility Standards
- Homework Help Sites
- Test Prep SAT/PSAT/ACT/AP

Scholarships Database

PGCPS is committed to preparing students for college and the world of work. The scholarship link on the student section at pgcps.org provides a database of regional, state and national scholarships from a variety of public and private sources. Deadlines and application requirements are included for each scholarship. Information regarding internships, career and summer opportunities is also available.



Resources for Students and Families

SchoolMax Family Portal

PGCPS uses the SchoolMax Student Information System to manage student data. The Family Portal allows students and parents/guardians to log in from any computer and view information, including attendance records, assignments, grades and discipline records.

To Sign In, Visit:

www.pgcps.org/parents/ and click on "SchoolMax Family Portal" on the left.

School Closings Information

e-Alerts: Sign up for emergency notifications by email or text by visiting the homepage and clicking on the "E-ALERTS" button.

Homepage: www.pgcps.org PGCPS Twitter: http://twitter.com/pgcps PGCPS Facebook: www.facebook.com/pgcps School Status Line: 301-952-6000, option 1 PGCTV (96 Comcast and 38 Verizon)

Frequently Called PGCPS Numbers

Area 1 Office	. 301-808-8150
Area 2 Office	. 301-669-6060
High School Performance	. 301-669-6000

Board of Education Office 301-952-6115
Constituent Services
Early Childhood Programs 301-808-2707
ESOL Office
Fingerprinting
Food & Nutrition Services 301-952-6580
GED
Head Start 301-408-7100
Health Services 301-749-4722
Home & Hospital Teaching 301-567-8642
Homeless Education 301-925-2482
International Guidance 301-445-8460
Pupil Accounting &
School Boundaries 301-952-6300
Pupil Services
Special Education
Student Appeals 301-952-6195
Student Records & Transfers 301-567-8751
Student Service-Learning 301-808-5956
Transportation

COMMUNITY RESOURCES

Community Crisis Hotline 1-800-422-0009

Department of Social Services 301-909-7000

Emergency Financial Assistance 301-909-2000

Emergency Food Assistance 301-909-6343

Gang Reference Card (warning signs) & Addressing Gang Crime 1-800-421-9779

Health Department 301-583-5920

Home Disaster Assistance 240-619-9400

Homeless Hotline 1-888-731-0999

Neediest Kids Program 301-567-5702

Student Tip Line 240-423-2611

Suicide Hotline 301-864-7130

SECTION 2 RIGHTS AND RESPONSIBILITIES

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Page 8: Student Page 9: Parent/Guardian Page 10: Teacher/Staff Member Page 10: Administrator

Student Rights and Responsibilities

PGCPS respects the rights of students to be treated equally and fairly to ensure that no student is discriminated against based on race, color, sex, age, national origin, religion, sexual orientation, or disability in the areas of freedom of expression, procedural and due process, personal rights and access to school programs.

RIGHTS

- A free public education subject to provisions of state law and the bylaws, rules and regulations of the Maryland State Board of Education and the Board of Education of Prince George's County.
- An education in a learning environment that is safe, drug-free and conducive to learning where high standards are stressed.
- Enjoy meaningful freedom of speech, press, assembly and religion.
- Due process for academic, attendance and disciplinary measures, as well as other issues which could impact the student's ability to receive a free and appropriate education.
- Inspect, review and seek to amend educational records.
- Access to prevention and intervention programs.

RESPONSIBILITIES

- Maintain a safe and orderly school environment conducive to teaching and learning.
- Know and obey all county and school rules and regulations relating to student conduct and achievement.
- Come to school on time and ready to learn each day.
- Present the school with a parent/guardian note for absences.
- Work to your fullest potential in all academic and extracurricular activities.
- Respect school authority, which includes not only obeying school rules and regulations, but also conforming to the laws of the community, state and nation.
- Obey all instructions from all school employees in a positive and respectful manner.
- Dress in accordance with the dress code for school and school functions.
- Utilize school resources to develop appropriate problem solving skills.
- Ask questions to ensure understanding.
- Accept responsibility for actions.





- Maintain and uphold the highest standards of conduct, demeanor and sportsmanship during extracurricular events.
- Reflect respect and consideration for the personal and property rights of others and understand the need for cooperation with all members of the school community.
- Bring to school only those items and materials which are appropriate for the instructional program.

Parent/Guardian Rights and Responsibilities

PGCPS respects the rights of parents/guardians to be treated equally and fairly to ensure that no parent/guardian is discriminated against based on race, color, sex, age, national origin, religion, sexual orientation, or disability in the areas of freedom of expression, procedural and due process, personal rights and access to school programs.

RIGHTS

- Visit schools and classes at times that respect the educational environment.
- Accept responsibility for actions.
- Be treated with courtesy by all members of the school staff.
- Be informed of all services in special education.
- Organize and participate in organizations for parents.
- Be informed of academic requirements of any school program.
- Request a conference to (1) inspect their child's cumulative record or (2) make corrections in conformity with Administrative Procedure 5125 and current state and federal governments guidelines. Participate in meaningful parent-teacher conferences to discuss their child's school progress and welfare.
- Be informed of approved procedures for seeking changes in school policies and for appealing administrative procedures.



- Expect reasonable protection for their child from physical harm while under school authority.
- Be informed of school policies and administrative decisions.

RESPONSIBILITIES

- Provide proof of a bona fide residence in Prince George's County.
- Provide required immunizations documents to the school system.
- During kindergarten or first grade registration, provide the school system with proof of the child's age.
- · Notify the school whenever child is absent.*

- Ensure child (5-18 years old) attends school regularly. **
- Assume primary responsibility for the discipline of the child.
- Model cooperation with school and transportation personnel.
- Respond to school personnel requests for information and meetings.



*COMAR 13A.08.01, (Administrative Procedure 5113). 2015 - 2018, **Comply with compulsory attendance law for their child (Annotated Code of Maryland Article, Section 7-301), Administrative Procedure 5113

Teacher/Staff Member Responsibilities

PGCPS respects the rights of teachers/staff members to be treated equally and fairly to ensure that no teacher or staff member is discriminated against based on race, color, sex, age, national origin, religion, sexual orientation, or disability in the areas of freedom of expression, procedural and due process, personal rights and access to school programs.

RESPONSIBILITIES

- Be prepared to teach and provide quality instruction within the current curricular framework.
- Exhibit an attitude of respect for students that has a positive influence in helping students develop good citizenship traits.
- Remain knowledgeable about school policies and rules, and enforce them in a fair, impartial and consistent manner for all students.
- Communicate information regarding student progress and achievement on a regular and timely basis to students, parents and other involved professionals.
- Maintain an atmosphere that contributes to positive student behavior.
- Provide make-up work upon request for students with lawful absences, including those students on suspension.



- Develop and maintain a positive working relationship with students and staff.
- Strive to improve the quality of life throughout the school community.
- Maintain an environment of mutual respect and dignity.
- Encourage the use of appropriate counseling services.
- Report Bullying and Harassment.
- Communicate policies and expectations to students and parents, including: course objectives and requirements, grading procedures, assignment deadlines and classroom discipline plans.

Administrator Responsibilities

PGCPS respects the rights of administrators to be treated equally and fairly to ensure that no administrator is discriminated against based on race, color, sex, age, national origin, religion, sexual orientation, or disability in the areas of freedom of expression, procedural and due process, personal rights and access to school programs.

RESPONSIBILITIES

- Support teaching and learning by creating and maintaining a safe and orderly environment.
- Promote communication with all stakeholders and present opportunities for students, staff and parents to redress grievances.
- Enforce the Student Rights and Responsibilities Handbook and ensure the fair, consistent and prompt resolution of concerns and infractions.



- Evaluate instructional programs regularly and comprehensively.
- Support the development of and participation in appropriate extracurricular activities by students.



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SECTION 3 GRADUATION REQUIREMENTS

Page 12 + Maryland High School Core Requirements + Maryland High School Assessments (HSA)

+ Student Service-Learning

Graduation Requirements

MARYLAND HIGH SCHOOL CORE REQUIREMENTS

PGCPS requires students to complete a minimum of 21 credits in the following:

Core Subjects	Credits	Mandatory Courses
English	4.0	English 9,10,11,12
Math	3.0	Algebra I, Geometry, 1 Add'l Credit
Science	3.0	Biology, 2 courses with a lab
Social Studies	3.0	U.S History; Local, State, National Government and World History
Fine Arts	1.0	None Specified
Physical Education	0.5	Personal Fitness 1
Health	0.5	Health Issues
Technology Education	1.0	Foundations of Technology**
Completer and Electives	5	2 Credits of either*
Total	21	*4 Credits must be earned after Grade 11.

*World Language or American Sign Language (both credits must be in the same language per local requirements) and 3 credits in electives OR 5 credits OR 2 credits of Advanced Technology Education and 3 credits in electives OR 4-9 CTE credits plus electives OR complete (4-9 credits) a state approved Career and Technology Education (CTE) program and any remaining credits in electives.

**Schools with Project Lead the Way use the Principles of Engineering course.

MARYLAND HIGH SCHOOL ASSESSMENTS (HSA)

All students take the HSA after completing the appropriate course in the following areas:

HSA Subject Area	Required Passing Score
Algebra/Data Analysis	412
Biology	400
English 10	396
Government	Administration begins
	January 2014
Combined score of	Effective entering 9th graders
1602 is passing as	in the 2013-14 school year
a graduation	
requirement	

Student Service-Learning

Student Service-Learning is a learning experience for students in grades 6 -12 that combines meaningful service to the community with curriculum-based learning.

Students improve their academic skills by applying what they learn in school to the real world; they then reflect on their experience to reinforce the link between their service and their learning.

Only approved activities may qualify for service-learning credit. Students must complete the student verification form to receive credit. Talk to your child's school counselor or the school-based Service-Learning Coordinator assigned to the school.

Student Service-Learning Hours are a graduation requirement. Students must earn a minimum of 75 service-learning hours.

However, 51 of the hours are included in the school's social studies and science curriculum. Therefore, 24 hours must be earned with an appropriate non-profit organization.

SECTION 4 STUDENT ATTENDANCE

Page 14

+ Student Attendance Policy + Lawful Absence + Unlawful Absence and/or Truancy Œ

Student Attendance Policy

Student Attendance Policy

School achievement begins with regular attendance. Parents/guardians must ensure that all school-age children in their care are in school on time daily. Additionally, school personnel must communicate any attendance problems or concerns to parents/ guardians in a timely manner. Parents are required to send documentation of student absence in the form of a written note.

Students Reporting Late To School

It is imperative for students to be on time at the beginning of the school day. The official school attendance documentation is recorded during this time. Schools are required to admit students to school regardless of the time they arrive. (However, students who arrive late to school must report first to the appropriate administrative office to obtain a late pass before being admitted to any classroom or other area of the school). This pass must be shown to all of the student's teachers as the student reports to each class during the day, as well as to teachers of any missed classes during the next school day. If the student does not obtain and show the pass to all teachers, the tardy will be UNEXCUSED.

Additionally, for the tardiness to be excused, students are required to bring a note from the parent/guardian explaining the reason for the tardiness.

Lawful Absence

Absence from school, including absence for any portion of the day, shall be considered lawful only for the following reasons:

REASONS FOR LAWFUL ABSENCE

- Illness of the student. The principal shall require a physician's certificate from the parent/guardian of a student reported continuously absent for illness.
- Students should bring a note signed by a parent or guardian to excuse the absence and to also receive makeup work.
- Work approved or sponsored by the school, the local school system, or the State Department of Education, accepted by the Chief Executive Officer or the school principal, or their designees, as reason for excusing the student.
- · Death in the immediate family
- · Observance of a religious holiday
- Lack of authorized transportation (This shall not include students denied authorized transportation for disciplinary reasons.)
- Other emergency declared by the Chief Executive Officer
- State of emergency
- Suspension
- Court Summons

Unlawful Absence and/or Truancy

Unlawful absence and/or truancy is defined as the act of a pupil being absent from school for a day or any portion of a day from an individual class or any portion of a class for any reason other than those defined as lawful. Teachers are not required to provide make-up work for students when absences are unlawful.

Possible Responses for Parents/Guardians for Unlawful Absences of Students

By law, parents/guardians must ensure regular attendance for their school-aged children who are enrolled in the public schools. If a child has excessive unexcused absences, the parent/guardian may be convicted of a misdemeanor and imprisoned or fined by the courts. Additionally, any other adult who persuades or attempts to persuade a student to be unlawfully absent, or who harbors a child who is unlawfully absent, may also be convicted of a misdemeanor and imprisoned and/or fined.

POSSIBLE RESPONSES FOR STUDENTS WHO REGULARLY MISS SCHOOL

- Denial of opportunity to make-up class/homework assignments, tests and/or quizzes (for unlawful absences).
- Referral to Pupil Personnel Services for possible referral to court for violation of the compulsory attendance law or to Juvenile Services for intake services.
- Before and/or after school detention
- Behavioral probation
- Written contract
- In-school suspension
- Saturday School Program

- Removal of school
 privileges
- Reduction in grades or loss of credit
- Restriction of
 extracurricular activities
- Referral to an alternative
 educational program
- Referral to Attendance
 Committee

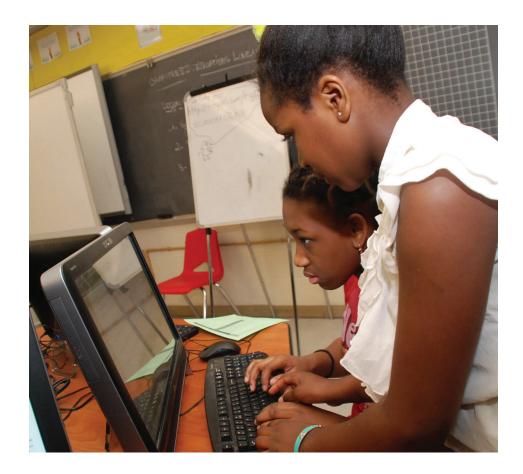
SECTION 5 COPING WITH PROBLEMS

- Pages 16-17 + School Problems
- + Personal Problems
- + Academic Problems
- + Bullying, Harassment and Intimidation
- + Harassment Against Another Student

School Problems

If you have a problem related to discipline, security, personal safety or vandalism, you should talk to:

- The nearest teacher, security or administrator when there is a discipline or security problem. Explain what happened and seek their guidance.
- Your teacher or counselor when you are having difficulty with subjects, making poor grades or need extra assistance.
- The counselor, psychologist, pupil personnel worker or social worker to learn ways to deal with problems so you will feel safe and gain the skills to deal with similar problems in the future.
- Always talk to your parent/guardian.



Personal Problems

For assistance with personal problems that may impact your school performance or your personal happiness, please discuss the problem with your parent/guardian.

Seek the assistance of the counselor or any adult that you are comfortable with at your school. They may lead you to resources within the school and/or community.

Talk to a peer. Many times fellow students are able to help with problems. Talk to the school administrators, or if available, staff in the Student Assistance Program.

Academic Problems

For assistance with an academic problem or grade, you should:

- Talk to your teacher when you are having difficulty with subjects, making poor grades or need extra assistance. The teacher may ask for a conference with you and/or your parent/guardian.
- Seek assistance from your counselor. They can help with finding a peer that can assist you.
- Discuss the academic concern with the assistant principal/principal.

ALTERNATIVE EDUCATION OPTIONS FOR SCHOOL COMPLETION

There are a variety of PGCPS programs to assist students who may need an alternative education option to overcome the challenges to learn, achieve at high academic levels and ultimately graduate.

There are alternative programs for students in grades 6-12 and alternative schools for recovery credit opportunities in grades 9-12. Programs include:

Alternative Academy Programs

Edgar Allan Poe Academy Annapolis Road Academy Green Valley Academy Croom High School Tall Oaks High School Incarcerated Youth Program

Alternative School Programs

Community-Based Classroom Crossland Evening High School Northwestern Evening High School Summer High School Adolescent Single Parent Program

Bullying, Harassment and Intimidation

What Is Bullying, Harassment and Intimidation?

Bullying, harassment and intimidation are anti-social behaviors that are conducted with the intent to cause harm and are characterized by an imbalance of power. Bullying, harassment and intimidation is intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socio-economic status, familial status, or physical or mental ability or disability or



is threatening or seriously intimidating; and, occurs on school property, at a school activity or event, or on a school bus; or, substantially disrupts the orderly operation of a school.

Who Reports Allegations of Bullying, Harassment and Intimidation?

Anyone can report allegations of bullying, harassment and intimidation! Students, parents, teachers, school administration and other staff, and school volunteers or the community-at-large may report.

How Do I Report?

All reports must be written using the Bullying, Harassment and Intimidation Form, which is available at all PGCPS schools, on the PGCPS website and

WHAT TO DO IF YOU ARE BULLIED

- Talk to your parent/guardian.
- Tell the bully to stop. Be firm and clear.
- Talk to your teacher(s) or counselor.
- Report to school administrator and/or Security Officer.
- Complete a school Bullying, Harassment and Intimidation Form.
- Don't respond or fight back. Two wrongs do not make a right!

in this handbook. Reports should be submitted to school administration or the administrative designee who will promptly and appropriately investigate consistent with due process rights, using the Bullying, Harassment and Intimidation Incident School Investigation Form within two school days after receipt of a Bullying, Harassment and Intimidation Reporting Form. (Administrative Procedure 5143 Bullying, Harassment and Intimidation).

Harassment Against Another Student

Any conduct that violates the policy on discrimination or harassment committed by any student of either sex against students is inappropriate behavior.

Students may seek guidance, support and/or advocacy in addressing matters related to discrimination or harassment. The Director of Student Engagement and School Support is available for these services, in addition to school staff.

Any student who is found to have violated the discrimination or harassment policy will be subject to disciplinary action by the Instructional Director, Principal or Assistant Principal pursuant to the Student Rights and Responsibilities Handbook. Depending on the severity of the offense, such action could include, but not be limited to, counseling, or suspension.

REPORT A STUDENT BY DOING THE FOLLOWING:

- The report may be made verbally or in writing on the Bullying, Harassment and Initimidation Form.
- The report may be made to any staff member, who will assist the student in reporting the alleged discrimination or harassment to the principal or the Director of Student Engagement and School Support.
- Every complaint submitted to the Instructional Director, Principal or Assistant Principal must be reported to the Director of Student Engagement and School Support

SECTION 6 DISCIPLINARY RESPONSES

Page 19 + Five Phase Discipline Levels

Page 20-23 + Disciplinary Response Breakdown Chart

PGCPS CODE OF STUDENT CONDUCT: FIVE PHASE DISCIPLINE LEVELS

The Level of Responses and Interventions chart below is used to correct inappropriate behavior and actions of PGCPS students. If interventions are successful, a referral to the school administrator may not be necessary. These interventions aim to teach, correct and replace behaviors so students can learn and demonstrate safe and respectful behaviors. Staff members are encouraged to implement a variety of teaching and classroom management strategies.

Staff members are encouraged to implement various Level of Responses and Interventions with students at all times during regularly scheduled schools hours. In addition, this procedure applies while a student is located on or off school property during fields trips, school sponsored events, athletic functions, while being transported on PGCPS vehicles and during any other school related extracurricular activity.

Administrators are encouraged to use the lowest Level of Response, as long as one from the prescribed levels are also employed. Serious behaviors that are deemed harmful to the safe and orderly environment of the school will be addressed at the highest level.

LEVEL 1

Response:

These responses aim to teach correct and appropriate behavior so students can learn, act respectfully and contribute to a safe environment. The classroom teacher or counselor will correct the behavior of the student committing a minor offense. Teachers are encouraged to try a variety of teaching and classroom management strategies. This response is used when the student has no history of prior incidents.

Interventions:

- Contact parent via telephone, e-mail or text message
- Conduct a teacher or student conference
- Correct and provide verbal redirection in the classroom
- Establish the buddy teacher system (placing a student in temporary time out in another classroom)
- Develop a daily behavior progress sheet
- Take time with a student to reflect on the behavior or allow them to apologize
- Remove classroom privileges from a student (does not include recess)
- Reassign the student's classroom seat

LEVEL 2

Response: The administrator, pupil personnel worker or counselor will work with the student to correct the behavior of the student committing the violation. This level will be appropriate for incidents that are inappropriate and disruptive to the learning environment. These responses address the potential implications for future harm while keeping the student in school.

Interventions:

- Change in schedule or class
- Reprimand by appropriate
 administrator
- Parent/guardian notification
- Mentoring Program
- Revision to IEP (for students with disabilities)
- Loss of privileges
- In-school suspension
- Detention
- Referral to Pupil Personnel
 Worker
- Restitution
- Restorative practice strategies
- Conflict resolution and community conferencing
- Develop 504 Plan
- Assignment of work projects
- Referral to community organizations
- Referral to School Psychologist

LEVEL 3

Response:

If a student disrupts the school environment and/or schoolrelated activities, a short-term suspension of 1-5 days may be given by the principal to a student committing the violation because of the severity of the behavior. The duration of the short-term removal is to be limited as much as practicable while adequately addressing the behavior through the use of interventions and responses.

Interventions:

- Notify Parent/Guardian
- Referral to IEP team (students with disabilities)
- Referral to Professional School Counselor
- Revision to IEP (students with disabilities) as needed
- Referral to Safe and Drug-Free Schools
- Referral to Pupil Personnel
 Worker
- Referral to School Instructional Team (SIT)
- Referral to community organizations
- Referral to Student Support Team (SST)
- Develop/Revise Functional Behavioral Assessment
- Assessment/Behavioral
 Intervention Plan
- Referral to School Psychologist
- Beautification Project
- In-school suspension
- Short-term suspension (1-5 days)

LEVEL 4 Response:

Long-Term Suspension (6-10 days) and Extended Suspension (11-45 days) and/or referral to a Disciplinary Alternative Program – Appropriate for behavior that significantly disrupts the educational environment in the school, on the bus or at school activities and affects the safety of others. These responses focus on the safety of the school community and ending self-destructive and serious behaviors.

Interventions:

- Notify parent/guardian
- Functional Behavioral Assessment
- Behavioral Intervention Plan
- Community conferencing or mediation
- Referral to community organizations
- Referral to Safe and Drug-Free Schools
- Referral to IEP team (students with disabilities) for manifestation determination
- Alternative educational placement by Office of Appeals
- Suspension Request (extended 11 days or more, up to 45 days)

LEVEL 5 Response:

These responses involve the removal of a student from the school environment for extended time because of the severity of the behavior. A student may be expelled and/or referred to a Disciplinary Alternative Program for behavior that seriously disrupts the educational environment in the school, on the bus or at a school activity that affects the safety of others.

Interventions:

- Behavioral Intervention Plan
- Referral to community organizations
- Referral to Safe and Drug-Free Schools
- Referral to IEP team (students with disabilities) for manifestation determination
- Alternative educational placement
- Expulsion (to be considered in most extreme cases),
 3 months middle school,
 high school remainder of semester and one additional semester

CHART KEY

The chart will identify common areas of behavior that result in a Level of Response by PGCPS. Grade Levels AG: All Grades PK-5: Prekindergarten - Fifth Grades 6-12: Sixth through Twelfth Grades

Points of Contact

HD: Health Department SE: Security SA: Safe & Drug-Free Schools
 PG: Police Department
 Level of Response

 1 | 2 | 3 | 4 | 5

DSS: Department of Social Services **DSESS:** Department of Student Engagement and School Support

VIOLATION		GRADE LEVEL	LEVEL OF RESPONSE	POINT OF CONTACT
ACADEMIC	Dishonesty, cheating, plagiarism	AG	1 2	
ALCOHOL	Use and possession	AG	2 3 4 <mark>5</mark>	SE SA HD
	Distribution, selling to students	6-12	4 5	
ARSON OR FIRE		РК-5 6-12	2 3 3 4 <mark> 5</mark>	SE
ATTACK (PHYSICAL)	Serious bodily injury to another student	PK-5 6-12	2 3 4 5	SE PG
	Attack on PGCPS employee, unintentional physical contact with school personnel	PK-5 6-12	1 2 2 3	
	Attack on another student	PK -5 6-12	2 3 3 4	
	Attack on school personnel: physically attacking an employee or other adult, including striking a staff members who is intervening in a fight or other disruptive activity	PK -5 6-12	2 3 3 4	
	Attack on PGCPS employee causing serious bodily injury	PK-5 6-12	2 3 4 5	SE PG
BOMB THREAT		PK -5 6-12	2 3 3 4	SECURITY WILL FOLLOW BOMB THREAT POLICY
BULLYING	Minor harassment (e.g., unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them)	AG	1 2	DSESS
	Cyber bullying – Using information and communication technologies (e.g., email, mobile devices, text messages, instant messaging, defamatory personal websites, personal polling sites or a combination of these) to support deliberate repeated and hostile behavior by an individual or group with the intention of physically or psychologically intimidating others	AG	2 3 <mark>4</mark>	
	Serious bullying/harassment (e.g., persistent or long-term harassment)	AG	3 4	
	Hazing — An act that subjects to potential harm and is affiliated with initiation into a student organization or team. Hazing may involve an act committed against a student or a situation in which a student is coerced into committing an act.	AG	3 4	SE
CLASSROOM DISRUPTION OR DISRUPTION OF SCHOOL ENVIRON	Talking out in class or talking out of turn; throwing objects; picking on, bothering or teasing other students; and other behavior that distracts form student learning MENT	AG	1 2 3 1-3 days Maximum	

CHART KEY

The chart will identify common areas of behavior that result in a Level of Response by PGCPS.

Grade Levels

AG: All Grades PK-5: Prekindergarten - Fifth Grades 6-12: Sixth through Twelfth Grades

Points of Contact

HD: Health Department SE: Security SA: Safe & Drug-Free Schools Level of Response 1 | 2 | 3 | 4 | 5

 PG: Police Department
 1
 2
 3
 4

 DSS: Department of Social Services

 DSESS: Department of Student Engagement and School Support

VIOLATION		GRADE LEVEL	LEVEL OF RESPONSE	POINT OF CONTACT
DESTRUCTION OF PROPERTY	Property valued below \$500	PK -5 6-12	1 2 3 2 3	SE
	Property valued above \$500	РК-5 6-12	2 3 3 4	SE
DISRESPECT TOWARDS	Making inappropriate gestures, symbols or comments, or using profane or offensive language	AG	1 2 3 1-3 Days Maximum	
OTHERS/ INSUBORDI- NATION	Using verbal insults or put-downs, or lying to, misleading or giving false information to school staff	AG	1 2 3 1-3 days Maximum	
	The refusal or willful failure to respond to or carry out a reasonable request by authorized school personnel	AG	1 2 3 1-3 Days Maximum	
DRESS CODE	Failure to comply with dress code	AG	1 2	
DRUGS	Unauthorized use/possession of prescription drugs	AG	2 3 4 <mark>5</mark>	SA
	Use/possession of illegal drugs or paraphrenalia including imitation or prescription (See pages 35 & 36)	AG	3 4 <mark> 5</mark>	SA
	Unauthorized possession, use or distribution of over-the-counter medication	AG	3 4	SA
	Distribution or selling illegal drugs/ <mark>prescription drugs</mark>	PK -5 6-12	3 4 4 <mark>5</mark>	SE PG
FAILURE TO COM	E TO CLASS PREPARED	AG	1	
FAILURE TO WEA	R IDENTIFICATION BADGE	AG	1	
FALSE ALARM		AG	3 4	SE
FIGHTING	Physical aggression with another student (e.g., shoving or pushing)	AG	1 2	SE
	Physical aggression with another student that results in minor injuries	AG	2 3	SE
	Fighting resulting in serious bodily injury	PK -5 6-12	2 3 4 5	SE PG
FORGERY		AG	2	
GAMBLING	Gambling requiring the use of money or exchangeable goods	AG	2 3	SE

CHART KEY

The chart will identify common areas of behavior that result in a Level of Response by PGCPS.

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 1
 2
 3
 4

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VIOLATION		GRADE LEVEL	LEVEL OF RESPONSE	POINT OF CONTACT
GROUP	Group fight causing material disruption to the school day	AG	3 4	
FIGHT	Group fight resulting in serious bodily injury	PK -5 6-12	2 3 4 5	SE
INCITING OTHERS TO VIOLENCE OR DISRUPTION	Directly instigating or prompting others to cause a disruption	AG	2 3	
INTERNET/ COMPUTER MISUSE	Any unauthorized or inappropriate use of technology related resources	PK -5 6-12	1 2 2 3 4	
EXPLOSIVES	Possession, use or distribution of explosives (does not include small fireworks)	РК -5 6-12	2 3 4 5	SE
POSSESSION OR USE OF WEAPONS OR	Other weapons: possessing an implement that is likely to cause serious bodily harm, without intent to use.	PK-5 6-12	1 2 2 3 4 <mark> 5</mark>	SE PG
INSTRUMENTS USED AS SUCH	Use or attempt to use weapon	<mark>PK-5</mark> 6-12	5 5	SE PG
	Other guns: possessing a look-alike gun (e.g., water guns, toy guns)	РК -5 6-12	1 2 3 4	SE PG
	Possessing an unloaded/inoperable non-firearm gun (e.g., pellet guns, BB guns)	РК-5 6-12	2 3 3 4	SE PG
	Possessing an unloaded/operable non-firearm gun	PK -5 6-12	3 3 4	SE PG
	Possessing firearms (e.g., hand guns)	PK-5 6-12	5 5	SE PG
SEXUAL MISCONDUCT	Sexual harassment (e.g., unwelcomed sexual advances; request for sexual favors; other inappropriate verbal, written or physical conduct of a sexual nature)	PK -5 6-12	1 2 3 2 3 4	
	Sexual activity or sexual misconduct (e.g., indecent exposure, engaging in sexual activity, soliciting and sexting)	РК -5 6-12	2 3 3 4	SE
SEXUAL ATTACK	Intentionally engaging in a physical sexual attack on another	PK-5 6-12	3 4 5	SE PG DSS REFERRAL TO COUNSELING

CHART KEY

The chart will identify common areas of behavior that result in a Level of Response by PGCPS.

Grade Levels

AG: All Grades PK-5: Prekindergarten - Fifth Grades 6-12: Sixth through Twelfth Grades

Points of Contact

HD: Health Department SE: Security SA: Safe & Drug-Free Schools

 Level of Response

 PG: Police Department
 1 | 2 | 3 | 4 | 5

 DSS: Department of Social Services

 DSESS: Department of Student Engagement and School Support

GRADE LEVEL LEVEL OF RESPONSE POINT OF CONTACT VIOLATION **PK-5** 2 | 3 SE SHAKEDOWN/ Using a threat (without a weapon) to get a person to turn over his property **STRONG ARM/** 6-12 2 | 3 EXTORTION Using a threat (with a weapon) to get a person to turn over his property **PK-5** 2|3|4 SE 4 | 5 6-12 THEFT Theft below \$500 **PK-5** 2 2|3 6-12 Theft \$500 or more **PK-5** 2|3 SE 3 | 4 6-12 THREAT 1 | 2 | 3 Written or verbal threat to a student AG Written or verbal threat to a PGCPS employee **PK-5** 2|3 6-12 3 | 4 **TOBACCO USE** AG SA 1 | 2 | 3 **1-3 DAYS MAXIMUM** TRESPASSING AG SE 2|3 TRUANCY AG 1 | 2 **NOTIFY PARENTS** Leaving class or area without school permission; unathorized departure from school **AND FOLLOW AP5113** 1 | 2 Persistent or excessive tardiness to class or school AG Loitering AG 1 | 2 1 | 2 Class cutting AG **UNAUTHORIZED USE OF ELECTRONIC AND/OR** 1 | 2 AG PORTABLE COMMUNICATION DEVICES

Special Notes Concerning Suspensions

When the school seeks to suspend students with disabilities for more than ten days, the Individual Education Program (IEP)/504 team must meet within ten days of the student's removal from school. The purpose of this meeting is to determine whether or not the student's behavior was a manifestation of the student's disability. (Procedural Safeguards/ Parental Rights)

- If the IEP/504 team determines that the student's behavior is a manifestation of the student's disability, the student is returned to school immediately.
- If the IEP team determines that the conduct is not a manifestation of the student's disability, the student is subject to the regular discipline procedures explained herein.
 However, the school system is required to continue to provide the student with a free, appropriate, public education (FAPE).

For Students With IEPs

Regardless of whether the conduct is a manifestation of the disability, if the incident for which the student is being disciplined involves a dangerous weapon, a controlled dangerous substance or serious bodily injury, the school system can unilaterally place a special education student in an alternative education setting for up to 45 school days.

Educational Services While Suspended

Students with disabilities who are suspended must continue to receive educational services so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals set out for the student in the IEP. The educational services should be documented on the Manifestation Determination Worksheet and explained to parent/guardian.

For Non-IEP Students

For general education students, it is the responsibility of the parent/ guardian to contact the school and make arrangements for the receipt and return of all assignments. Teachers



have 48 hours to compile assignments after the request is made. In the case of long-term suspensions or extended suspensions, unless other arrangements are made, teachers are to give work in up to two-week increments, and students must complete and return the work to be graded and recorded.

Tests and Examinations

Principals may allow a student to take tests and examinations missed while on suspension if the quality of make-up work is such that a decision cannot be made as to whether or not a student should be awarded credit. A student temporarily returning to school or another location solely to take tests or examinations must be accompanied by his/her parent/guardian.

Conferences

Although the conference is held to resolve the status of the suspension of the student, it is not a legal proceeding or hearing. The conference allows an opportunity to exchange views regarding a student's well being, and at times may include discussion of confidential information pertinent only to the parties immediately affected by the information. While the overall record of a student should be considered, the determination of whether a student has committed the misconduct of which he/she is charged must be based solely on information that relates to the specific incident. At all levels, the student and parent/guardian have the right to be represented by legal counsel, provided the parent/quardian gives his/her verbal consent for such

Special Notes Concerning Suspensions

representation, or if absent, gives written consent for representation. If the student and parent/guardian are to be represented by legal counsel, prior notification of this fact shall be given to the Chief Executive Officer or his/her designated representative.

Participation at School and School-Related Activities: Suspended Students

Suspended students are not eligible to participate in any school functions or be on any Board of Education property for the entire period of their suspensions, except for attendance at previously scheduled appointments, and, if the student is a minor, only with the parent/guardian. This prohibition includes attendance at athletic events and other school-related activities.

Participation at School and School-Related Activities: Expelled Students

Students who have been expelled from school are not eligible to participate in any school functions or be on any Board of Education property for the duration of their expulsions, except for attendance at previously scheduled appointments, and, if the student is a minor, only with the parent/guardian. This prohibition includes attendance at athletic events and other school-related activities.

Students Currently Expelled from Another School System

A student who enrolls or attempts to enroll in Prince George's County Public Schools who has been expelled from another school system, or has been expelled from an alternative middle or high school, may be denied attendance for a length of time equal to the time the student has been so expelled.

Restitution

If a student damages, destroys or substantially decreases the value of school property or any personal possessions on school property while committing an offense of this Code or any other law or regulation, the principal may require the student or parent/guardian to make restitution. The following is applicable in all cases **except those which have**



been referred to the Department of Juvenile Services.

- The principal may require restitution through financial payment, a student work project at the school or an appropriate combination of these.
- If the principal orders financial restitution, the restitution amount is not to exceed the fair market value of the property.
- The maximum amount of financial restitution that may be ordered by the principal is \$2,500.
- Restitution payments must be paid directly to the school to repair or replace school property.

Search of Students

The principal, assistant principal, or school security staff may search a student. Additionally, a principal may designate, in writing, a teacher who may conduct searches while students are on a school-sponsored trip if he/ she has a reasonable belief that a student has possession of an item, the possession of which is a criminal offense or a violation of other state law or PGCPS rules or regulations. Authorized personnel conducting a search of the student's person, possession, locker or assigned personal space will make a reasonable effort to inform the student prior to the search. Illegal items that are seized will be turned over to law enforcement personnel. All other items will be returned to the student or parent/ guardian within a reasonable period of time.

Community Offenses

When a principal has confirmed that a student has been charged or indicted as an adult for a non-school crime, the principal may request an extended suspension for the student with aproval from the Area Office. The Chief Executive Officer/designee must concur with the decision to request the extended suspension, and there must be reason to believe that the student's presence in school would create either:

- A clear and present danger to the student body; or
- A significant disruption to the educational environment.

If the Chief Executive Officer or his/her designated representative upholds the request for an extended suspension, the suspension shall continue until the case has been adjudicated by the appropriate judicial body. During the period of this suspension, the Chief Executive Officer or his/her designee may authorize an alternative educational program for the student during part or all of the period of suspension.

Make-Up Work

To ensure the continuation of a student's academic program, students are entitled to make up work within 48 hours when they are excluded from school because of a suspension. It is a parent's responsibility to make arrangements with the school to obtain make-up work; it is the student's responsibility to complete make-up work in a timely manner and return to the appropriate teacher. Teachers will collect, grade and record submitted work for credit.



Discipline should be both corrective and instructive and designed to foster growth and understanding in the student. Appropriate responses to misbehavior are determined by the age and maturity of the student.

INTERVENTIONS AND STRATEGIES

While there are instances in which formal disciplinary measures must be used, teachers and administrators are encouraged to develop and utilize a variety of informal disciplinary and guidance strategies to maintain effective learning conditions. These strategies may include but are not limited to:

After-School/Extracurricular Activities

Revoking a student's right to participate in extracurricular activities, including sports and clubs.

Behavioral Intervention Plan

An approach to correcting inappropriate or disruptive student behavior through a plan designed by school staff to offer positive behavioral interventions, strategies and supports. This plan is appropriate for students with and without disabilities.

Behavioral Probation

The principal or his/her designee may place any student who has been involved in an act of Level I, II, or III misconduct on behavioral probation in addition to, or instead of, suspension. School personnel must, however, perform an investigation of the situation; provide formal notice to the student and parent/guardian, and an opportunity for a parent/guardian conference. Behavioral probation should be for a definite period during which critical examination and evaluation of the student's progress is to take place.

Cafeteria Duty/In-School Work Detail

Students participate in a school-based activity that requires the student to spend time on a beautification project in the school or on school grounds.

Community Conferencing

Allows students, school staff and others involved in a conflict to discuss the conflict and to propose solutions.

Community Service

Allows students to participate in activities to serve and benefit the community. Examples include working at a soup kitchen, cleaning up public spaces, helping at a health facility, etc.

Conference

Involves students, parents, guardians, teachers, school staff and principals in discussion about student misbehavior and potential solutions that address social, academic and personal issues related to the behavior.

Conflict Resolution

Empowers students to take responsibility for peacefully resolving conflicts.

Detention Hall

The principal, or teacher upon approval by the principal, may establish a Detention Hall. The Detention Hall shall meet daily, or as needed, before or after regular school hours, with the time for each session determined by the administrator. The Detention Hall shall serve as an alternative to a suspension for students who have been involved in persistent minor Level I or Level II disciplinary infractions. The Detention Hall may be organized to serve the needs of each individual school.

Functional Behavior Assessment

Involves gathering information about students' inappropriate or disruptive behavior and determining approaches that school staff should take to correct or manage student behavior. This information is used to develop a Behavioral Intervention Plan for the student.

Individualized Education Program (IEP) Teams

Includes groups of individuals who are responsible for identifying and evaluating students with disabilities; developing, reviewing and revising IEP's for students with disabilities, as well as developing, reviewing and revising Functional Behavior Assessments and Behavioral Intervention Plans; and determining the placement of students with disabilities in a least restrictive environment.

In-School Suspension

In-school suspension is when the administrator determines that a student's conduct warrants removal from class but not the school building. The student may be placed in inschool suspension for a class period, a portion of the school day, or the whole school day, for a time not to exceed five consecutive days for a single offense.

Parent Outreach

Requires school staff to inform parents/guardians of their child's behavior and seek their assistance in correcting inappropriate or disruptive behavior. Outreach made in writing or by telephone is intended to make parents aware of the student's behavior, task completion and achievement, and can include a request for parents to accompany students to school for a portion of the day or all day.

Parent Shadowing

Involves parent/guardian participating in a shadowing experience by accompanying their child to class(es) for a specified period of time.

Police Contact or Report to Law Enforcement/Juvenile Justice System

Reporting a student to law enforcement or to the juvenile justice system. Schools must only refer a student to law enforcement when the immediate safety of the student and/ or other school community members is threatened. This generally occurs in only the most serious and extreme acts of criminal activity. Parents/ guardians must be immediately contacted.

Positive Behavior Intervention and Support Program (PBIS)

A program that uses data to enhance the capacity of schools to educate all students by developing researchbased, school-wide and classroom discipline systems.

Peer Mediation

Conflict resolution techniques in which students help other students deal with and develop solutions to conflicts.

Referral to the Office of Safe and Drug-Free Schools

Occurs for behavior related to alcohol, tobacco and/or substance abuse.

Referral to School-Based Services

Referral to counselor, pupil personnel worker, health care provider or social worker. Sessions can be individual, can include family members or can be done in groups.

Reflective Essay

Students are assigned a writing activity to reflect on the behavior that disrupted the learning environment. The assignment requires the student to address the incident and identify ways to handle a like situation in the future.

Response to Intervention (RTI)

A multi-tier approach to the early identification and support of students with learning and behavior needs.

Saturday School

Requires students to attend school for a specified period on Saturday to complete academic assignments and/or participate in a school-based beautification project.

Schedule Adjustments

Requires a change in all or part of a student's schedule. School-based administrators will recommend options to meet the needs of individual students.

Student Instructional/Support Team

Usually consists of teachers, school principals, nurse, pupil personnel



worker, psychologists and external agency representatives who help develop prevention and intervention techniques and may recommend classroom instructional strategies or additional instructional supports to assist the child. The team will meet on a regular basis to monitor the child's progress and make additional recommendations for interventions, if needed.

Temporary Removal from Class

Removing a student within the school building from his or her regular education program.

IN-SCHOOL SUSPENSION

In-school suspension is when the administrator determines that a student's conduct warrants removal from class but not the school building. The student may be placed in inschool suspension for a class period, a portion of the school day, or the whole school day, for a time not to exceed five consecutive days for a single offense.

SHORT-TERM SUSPENSION

A short-term suspension denies a student the right to attend school and to take part in any school function for a period of 1-5 days.

Review for a Short-Term Suspension

A review of a short-term suspension shall not serve to delay the suspension. A request for a review of a short-term suspension is accepted as evidence that the parent/quardian wishes further consideration of the results of the conference conducted by the principal or his/her designee and/or the circumstances of the student's conduct and suspension. If a parent wishes a formal review of the suspension, the parent is to contact the Pupil Personnel Worker to request the review. The Pupil Personnel Worker shall meet with the principal to review the circumstances of the suspension and, if appropriate, meet with the principal and parent together to resolve the request for a review.

LONG-TERM SUSPENSION

A long-term suspension denies a student the right to attend school and to take part in any school function for 6-10 days.

Review of Long-Term Suspension

A review of a long-term suspension shall not serve to delay the suspension. A request for a review of a long-term suspension is accepted as evidence that the parent/guardian wishes a formal review of the suspension, the parent is to contact the Pupil Personnel Worker to request the review. The Pupil Personnel Worker shall meet with the principal to review the circumstances of the suspension and, if appropriate, meet with the principal and parent together to resolve the request for a review.

Expungement of School Record (Suspension)

Parent/guardian will contact principal to make the request. The principal will make the determination regarding the removal or maintenance of the suspension documents in the student's record. If denied, the parent/guardian can request a review by the Area Office.

EXTENDED SUSPENSION

An extended suspension means the removal of a student from school for a period of more than ten days but not longer than 45 days for a Level IV consequence. The principal will request the extended suspension from the Chief Executive Officer/ designee. A Pupil Personnel Worker (PPW) will meet with the student and parent/guardian within ten days of the student's removal from school. After the conference, the PPW will report their findings. If granted, notice of this decision must be in writing and must inform the parent/guardian of the charges and policy or policies violated. If the principal's request for extended suspension is not granted, the student will be returned to school and the principal or his/her designee will contact the parent/guardian to schedule an intake conference.

Appeal of Extended Suspension

A student who is suspended for more than ten school days may appeal the decision of the Chief Executive Officer or designatee in writing to the Board of Education within ten days after the determination. After receipt of the written request for appeal, the Board's Hearing Examiner will conduct a hearing and issue findings of fact, conclusions of law and recommendation to the Board within five business days following the hearing. The parties may bring counsel and witnesses to the hearing. The appeal to the Board does not stay the decision of the Chief Executive Officer or designee. The Board will render its decision after review of the record and the findings of fact, conclusions of law and recommendation of the Hearing Examiner. Each party may file written exceptions to the Board of the Hearing Examiner's report within five business days following issuance of the Hearing Examiner's recommendation to the Board. The Board's decision will be rendered in writing.

EXPULSION

An expulsion from school denies a student the right to attend school and to take part in or attend any school function following expulsion, and the student shall not be readmitted to any regular school within Prince George's



County Public Schools. Special provisions will be made for middle and high school students to attend one of the Continuing Educational Opportunities offered by the system for the attainment of academic grades and credits.

Appeal of Expulsion

A student who is expelled may appeal the decision of the Chief Executive Officer or designee in writing to the Board of Education within ten days after the determination. (Administrative Procedure 5115, Student Appeals of Long-Term Suspensions and Expulsions)

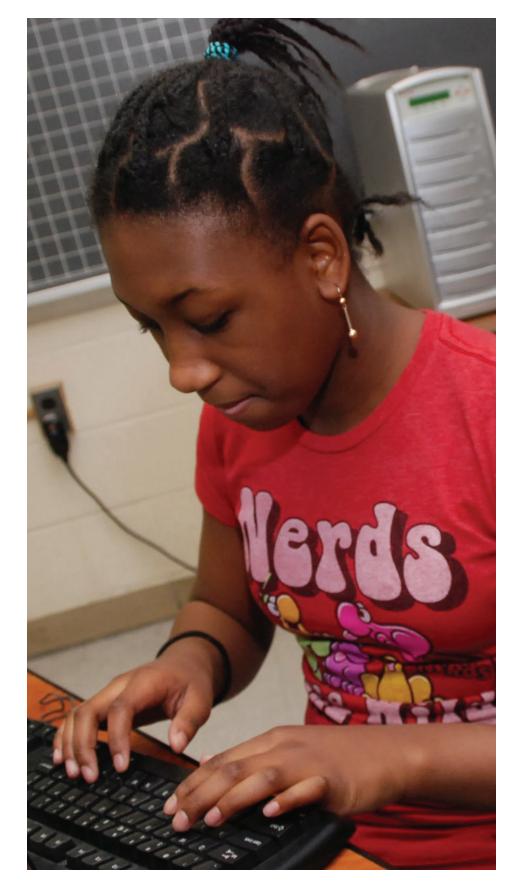
Readmission After Expulsion

To be readmitted to a regular school program after serving an expulsion, the student or the parent/guardian, acting for the student, may apply to the Chief Executive Officer Expulsion Review Board. If the student has not violated any of the criminal laws of the State of Maryland or any other jurisdiction during the period of expulsion, the Chief Executive Officer may readmit the student.

Length of Expulsion

Unless specified elsewhere in this document:

- For high school students, an expulsion shall not be rescinded prior to the remainder of the semester in which the infraction occurred and the entire next semester during which schools are in regular session. If the infraction by a high school student occurs during Summer School, the expulsion shall not be rescinded prior to the completion of the following two regular school semesters.
- For students in grades 7 and 8, the expulsion shall not be rescinded prior to three calendar months from the date of infraction during which the schools are in regular session.
- For students in grades 6 and under, an expulsion may be ordered for up to three calendar months from the date of infraction during which the schools are in regular session.



SECTION 8 TRANSPORTATION & BUS BEHAVIOR ...

TRANSPORTATION AND BUS BEHAVIOR

Riding the school bus is an integral part of the school day for many students, and directives in this Code apply fully to students when they ride the bus. Riding the bus is a privilege. This privilege may be temporarily denied or permanently revoked if misconduct jeopardizes the safe operation of the school bus or the safety of students riding the bus. School suspension is a possible option. Students are expected to observe the following rules for safety and courtesy on the bus.

BUS BEHAVIOR EXPECTATIONS

BUS

BUS STOP · Wait in a quiet and orderly manner. **BEHAVIORS**

- · Be aware, cautious and respectful of traffic.
- Respect private property.
- · Avoid pushing.
- BOARDING · Wait until the bus comes to a complete THE SCHOOL stop.
 - Make sure the bus warning lights are activated before boarding.
 - Board the bus when it is safe to do so.
 - · Avoid pushing and crowding.
 - Upon entering the bus, go directly to an available or assigned seat and remain seated until the bus arrives at the school or your stop.

BUS Follow the instructions or directives of the BEHAVIORS bus driver.

EXITING

THE BUS

- Do not eat or drink on the bus.
- · Stay in your seat; keep aisles and exits clear.
- Keep your hands, arms, legs, head and
- · Be respectful of the rights and safety of others.
- Avoid the use of cell phones.
- · Remain in your seat until the bus comes to a complete stop.
- Exit the bus in an orderly and prompt manner.
- Exit at your assigned bus stop.
- warning lights.

VIOLATION	GRADE LEVEL	LEVEL OF RESPONSE
Damaging bus (vandalism)	AG	3
Eating or drinking on the bus	AG	1
Fighting on the bus causing minimal disruption	AG	3
Fighting on the bus causing substantial disruption	AG	4
Heads, arms, and/or legs out of bus windows	AG	1 2
Riding or attempting to ride unassigned bus without authorization	AG	1 2
Smoking/lighting matches/lighter	AG	1 2 3
Standing when seats are available	AG	1
Threatening the driver or attendant	PK-5	2 3
	<mark>6-12</mark>	3 4
Throwing or shooting objects on the bus	AG	2 3
Throwing objects from the bus	AG	2 3 4
Too loud; too boisterous (talking or speaking)	AG	1
Using foul or abusive language	AG	2
Using unassigned bus stop without authorization	AG	1 2
Sexual Misconduct	PK-5	<mark>1 2 3</mark>
2	<mark>6-12</mark>	<mark>2 3 4</mark>

DISCIPLINARY RESPONSES

Parents are responsible for the supervision and safety of students from home until they board the bus, as well as from the bus stop to home.

LEVEL 1

- · Corrected by bus driver
- Seat change
- Student conference
- Parent conference
- Parent contact

LEVEL 2

- Administrative Referral
- Parent contact
- Parent/student conference
- Bus Behavior Contract

LEVEL 3

- Administrative Referral
- Possible restriction or suspension of school bus riding privileges
- Suspension of bus privileges
- Referral to Professional School Counselor
- Referral to Pupil Personnel Worker
- Short-term suspension

LEVEL 4

- Administrative Referral with request for long-term suspension/ extended suspension
- Suspension of bus privileges
- · Referral to Professional School Counselor
- Referral to Pupil Personnel Worker

- - other objects out of the bus window.
 - Avoid the use of foul language or profanity.

 - Use care when crossing a street controlled by bus

SECTION 9 POLICIES AND CODES

- Page 34-37 + Dress Code + Portable Communication Devices + Use of Technology + Social Media Use + Alcohol and Other Drugs + Technology Products

- + Tobacco and Tobacco Products
 + Possession or Use of Weapons
 + Gangs and Gang Activity

SYSTEM-WIDE DRESS CODE

Students attending Prince George's County Public Schools should dress appropriately and in a way that is consistent with learning being a priority.

Head Dress

Head dress can be worn indoors for religious or health reasons only.

Shirts and Blouses

Shirts and blouses should be continuous from neckline to waist. The mid-section should never be visible. Tank tops and muscle shirts are not allowed.

Clothing with vulgar language, obscene pictures, weapons, drugs/ alcohol or drug paraphernalia and tobacco products are not allowed. Identifiable gang/crew clothing or paraphernalia are not allowed. Sheer clothing is not allowed.

Skirts, Dresses and Shorts

Skirts, dresses and shorts should be no shorter than the length of the individual's fingertip.

Pants

Pants should be worn and secured at the waist. Pants should not be worn below the waist exposing undergarments.

Tights, stretch pants, leggings and spandex body suits must be worn with clothing long enough to cover the buttocks.

Shoes

Shoes must be worn.

PORTABLE COMMUNICATION DEVICES

It is not a violation of Maryland law or PGCPS Code of Student Conduct for a student to possess a portable communication device, including: pagers, cell phones or electronic devices while on school property.

However, it is a violation of the PGCPS Code of Student Conduct to use such devices in a manner that will disrupt the school environment. All portable communication devices must be off while a student is riding the school bus and throughout the entire school day, whether the student is in class or not. In case of an emergency, the student should be directed to the main office to use the telephone.

A student who sends or receives a page, call, text message, picture or other communication on the bus or during the school day will be treated as any other student who disrupts class. If a portable communication device continues to be a disruption, it is subject to confiscation by school officials until the student's parent/ guardian comes to the school to retrieve it.

USE OF TECHNOLOGY

The increasing availability of technology creates both opportunities and risks for students. Since the potential for harm from the misuse of technology is significant, PGCPS has established guidelines by which students can use technology in a legal, safe, productive and ethical manner.

Google Apps for Education is a free service to PGCPS students that includes the use of email, calendars, documents and sites through the convenience of a web browser. Students can communicate with teachers and peers, use easy to manage to-do-lists, access a calendar to keep dates organized, participate in online discussion boards and access online spreadsheets, documents and presentations. For safety and security reasons, students' communication is limited to other PGCPS students and staff only.

All use of technology under these guidelines is to be for legitimate educational purposes under the guidance or direction of school system staff. Administrative Procedure 0700, Information Technology Services Acceptable Usage Guidelines, defines technology as including "computers, scanners, digital cameras, video projectors, video cameras, cellphones, Nextel devices, PDA devices, and wireless e-mail devices" and outlines the acceptable use of such technology by students.

The following conduct is prohibited while using the school system network, accessing the school system network from outside of the firewall, or while involved in situations under which this Code has jurisdiction. Students shall not:

- Utilize the school system computer network for any illegal activity, including, but not limited to, gaining or attempting to gain unauthorized access to resources, files or devices on the network.
- Access "chat lines" or enter "chat rooms" that are not part of a class activity under the direct supervision of a teacher.
- Access or link to websites that contain material deemed vulgar, offensive, or otherwise inappropriate, including, but not limited to, websites promoting hatred, racial/religious/ sexual discrimination, use of illegal drugs/alcohol/tobacco, gaming or gambling, criminal activities or computer/network hacking.
- Use or display copyrighted or otherwise licensed or contractual material without specific written permission or authorization from the appropriate party.
- Utilize the network for commercial purposes or display any logo of any commercial entity not directly related to Prince George's County Public Schools.
- Post, use or download any files which cause congestion or impede network operations.
- Trespass in or vandalize another's files, folders, data or work.
- Post anonymous messages or in any way misrepresent one's own identity.
- Use an account password of another user.
- Use abusive or otherwise objectionable language in any message.
- Use e-mail or any portion of the PGCPS WAN to promote the annoyance, harassment or attack of others.

• Take or facilitate the theft or damage of data, equipment or intellectual property, including degrading or disrupting equipment of system performance.

Consequences for misuse may include, but are not limited to, suspension of equipment access, confiscation of the technological device, disciplinary action commensurate with the level of misconduct and/or legal action as appropriate. Complete guidelines for the acceptable use of technology are contained in Administrative Procedure 0700.

SOCIAL MEDIA

The school system does not govern the personal use of technology outside of school. In instances where the use of devices create a threat to students, staff or administration within the school environment and impedes opportunities for learning, the school will apply disciplinary action in accordance with the Student Rights and Responsibilities Handbook.

Social Media misuse includes internet/ computer and the misuse of other electronic devices that may have the impact of substantially disrupting the educational environment. Social media is inclusive of, but not limited to. web-based and mobile technologies, social networking sites, blogs, instant messaging, twitter, social blogs and video based sites such as YouTube. The most common misuse of social media is harassment via cyber bullying. When cyber bullying takes the form of harassment of protected classes, it may be prosecuted as a violation of a person's civil rights.

Tips: Should

- Turn off all portable devices while riding the school bus and on all school property and during all school sponsored events.
- Maintain privacy by not sharing passwords and/or codes.
- Use telecommunications in school for educational purposes only under the direction of a teacher.
- Report acts of cyber bullying, harassment or sexual harassment to school staff and do not respond.

Tips: Should Not

- Share usernames or passwords.
- Access and/or use social media websites on school equipment.
- Access social media sites while in school, on school property or while attending school sponsored events.
- Post photographs, videos and tweeted messages of fights or threats of fights on social media sites.
- Use electronic devices to distribute/ post abusive, harassing, bullying, libelous, obscene, offensive, profane, threatening, sexually explicit or illegal material including photos and comments.

Violations of the Student Rights and Responsibilities Handbook, Board Policies and school rules while using social media websites may result in a disciplinary response. Complete guidelines for the acceptable use of technology are contained in Administrative Procedure 0700.

ALCOHOL AND OTHER DRUGS

Unlawful possession, use and/ or distribution of any Alcohol, Marijuana, Prescription Drugs, Controlled Dangerous Substances, Imitation Controlled Substances, Synthetic Intoxicants, Inhalants, Other Intoxicants, Controlled or Drug Paraphernalia as defined in Article 27 of the Annotated Code of Maryland on school property, including Board of Education owned vehicles or while in attendance at any Board of Education sponsored and supervised activity, are prohibited under this Code.

Students who possess, use or distribute substances represented as or intended to be used as alcohol or a controlled dangerous substance will be treated by the rules and regulations of these procedures as if they were possessing, using or distributing alcohol or a controlled dangerous substance even though the substance itself may ultimately be determined not to be alcohol or a controlled dangerous substance.

• POSSESSION implies that a student has any of the above substances on his/her person or with his/her

personal property, or has under his/ her control by placement of and knowledge of the whereabouts of the substance on Board of Education property or other property on which he/she is present, by virtue of being within the jurisdiction of school authorities.

- USE implies that a student is reasonably known to have ingested any of the above substances (e.g., drinking alcohol, smoking marijuana, taking a pill, etc.) or is reasonably found to be under the influence of a substance while under the jurisdiction of school authorities.
- DISTRIBUTION implies the transfer of any of the above substances to any other person, with or without the exchange of money or other valuables.

Student Possessors with Intent to Distribute

A student in possession of a quantity of alcohol, controlled dangerous substances or other substances listed above in an amount which the principal could reasonably infer was intended to be available for distribution shall be charged with Possession with Intent to Distribute and be subject to the disciplinary guidelines outlined for student distributors.

Student Distributors

If the student has been found to have committed a distribution offense under the provisions of this section, the student shall be expelled, not withstanding any mitigating circumstances. The period of expulsion shall be for the remainder of the semester in which the incident leading to the expulsion occurred and the one regular school semester following. The Chief Executive Officer may rescind the expulsion after this period if the student provides documentation of satisfactory participation in an appropriate accredited alcohol/drug treatment program.

First Offense

Any student that is found to have committed a first offense for use or possession of alcohol, controlled dangerous substance, drug

paraphernalia and/or other substance will immediately have a "Notification of Request for Expulsion" filed by their school administrator and receive a five-day suspension. That student will also be granted the opportunity to opt for the alternative to expulsion. The principal or his/her designee will provide the student's parent/ guardian with a list of community agencies that can provide the mandatory four counseling sesions. After the counseling sessions have been completed, the administrator shall request a stay of expulsion for the student and the "Notification of Request for Expulsion" shall be rescinded.

Second Offense

- If a student is readmitted after an expulsion has been rescinded in accordance with the above conditions and there is a further offense under this section, the Chief Executive Officer may not rescind that expulsion. Any rescission for a second or further offense must be ordered by the Board of Education.
- All students suspended/expelled for alcohol/controlled dangerous substance offenses are to be requested to reveal their source of the alcohol/controlled dangerous substance to the principal.

TOBACCO AND TOBACCO PRODUCTS

It is a violation of the Code of Student Conduct for students to use or possess any tobacco or nicotine products on school property. The following is a summary of the consequences for violating this section of the Code of Student conduct:

First Offense

- Parental notification by referring administrator.
- Administrative referral to Student Affairs/Safe and Drug-Free Schools Office.
- Student must complete an appropriate tobacco education program no later than four weeks from the date of the Code violation.
- Student and parent/guardian will sign a contract stating there will be no further violation of the Code. Non-

compliance will result in a two-day suspension or in-school suspension.

Second Offense

- Parental notification by referring administrator.
- Administrative referral to Student Affairs/Safe and Drug-Free Schools Office.
- Student is placed on suspension for one day.
- Conference with parent/guardian is scheduled.
- Student and the parent/guardian will complete an appropriate tobacco education program no later than four weeks from the date of the Code violation. Non-compliance will result in an additional two-day suspension or in-school suspension.

Third Offense

- Parental notification by referring administrator.
- Administrative referral to Student Affairs/Safe and Drug-Free Schools Office.
- Student is placed on suspension for two days.
- Conference with parent/guardian is scheduled.
- Student must complete an appropriate tobacco cessation program no later than ten weeks from

the date of the student's readmission to school. Non-compliance will result in an additional three-day suspension or in-school suspension.

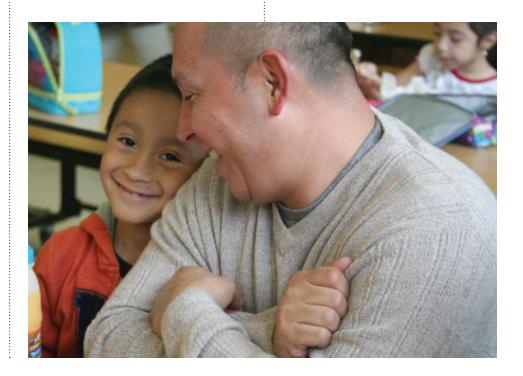
Fourth and Subsequent Offenses

Thereafter, for offenses beyond the third infraction of the tobacco policy, the sanctions set forth in the Code of Student Conduct for students who repeatedly violate any provisions of the Code shall apply.

POSSESSION OR USE OF WEAPONS OR INSTRUMENTS USED AS SUCH

The Board of Education strongly believes that any student found in violation of this section is to be expelled by the Chief Executive Officer.

- For students enrolled in grades K through 5, the principal may use discretion as to consequences for possession or use of a weapon.
- 2. For students enrolled in grades 6 through 12, principals may make a request for expulsion to the Chief Executive Officer for the POSSESSION OR USE OF WEAPONS by any student.



- 3. In accordance with Maryland Annotated Code, Education Article Sec. 7-305, when a student is expelled for possession or use of a firearm, as defined in the Glosssary section of this handbook under Possession or Use of Weapons or Instruments Used as Such, the student shall remain out of school for at least one year. After one year. the student, or the parent/guardian, acting for the student, may apply to the Chief Executive Officer for readmission. As appropriate, the Chief Executive Officer may order a shorter period of expulsion.
- 4. The procedure for rescission of expulsion for possession or use of a weapon is the same as for other expulsions. However, if a student has been expelled previously for possession or use of a weapon and then readmitted through the rescission of that expulsion, the student will not be eligible for rescission if he/she is expelled again for possession or use of a weapon.

GANGS, GANG ACTIVITY AND SIMILAR DESTRUCTIVE OR ILLEGAL BEHAVIOR

Gang, gang activity and similar destructive or illegal behaviors are prohibited under the Code of Student Conduct, in accordance with The Safe Schools Act of 2010.

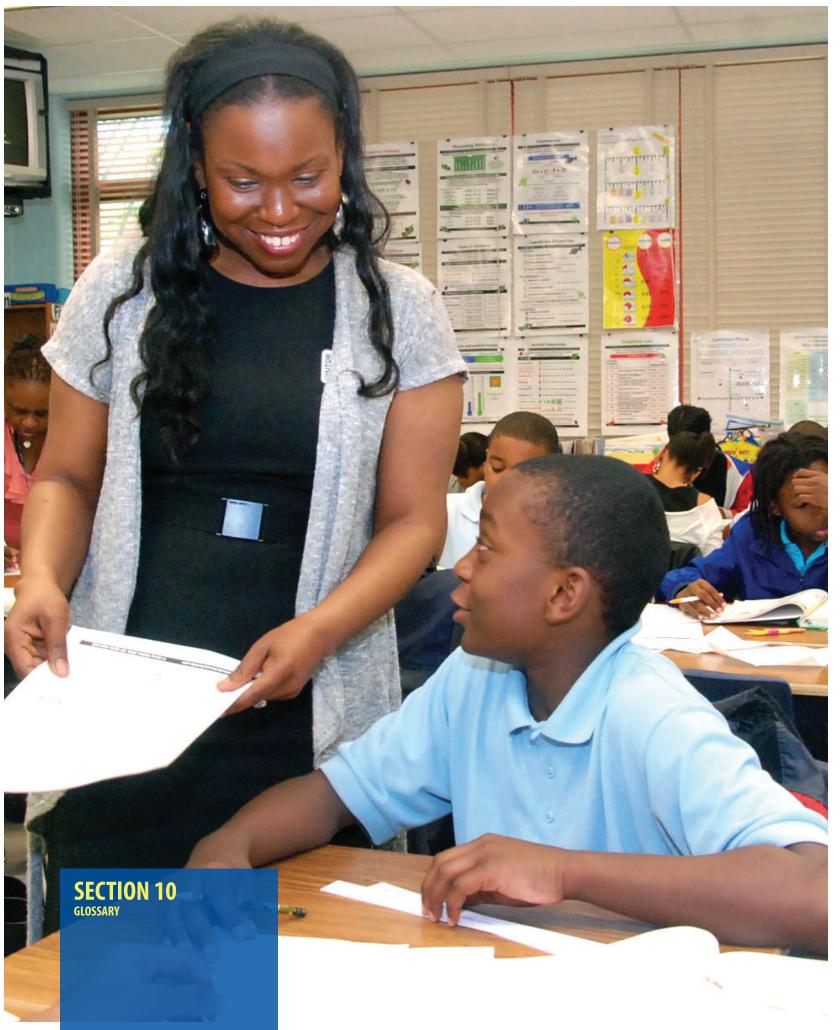
A student may not threaten an individual, or a friend or family member of an individual, with use of physical force or violence to coerce, induce or solicit the individual to participate in or prevent the individual from leaving a criminal gang; a) in a school vehicle, or b) in or within 1000 feet of real property owned or leased by the Board of Education. A student criminally charged with participating in a criminal street gang may automatically be remanded to an alternative education program by the court. When said behavior may substantially disrupt the educational environment, the school will provide the family with a list of community resources and proceed with Transfer Requirements.



Behaviors may include, but are not limited to:

- Gang recruitment
- Gang initiation (hazing)
- Group fighting
- Bullying

- Bias harassment
- Defacing school property with gang graffiti
- Throwing gang signs
- Threatening to retaliate against a student or staff for reporting said behaviors



Academic Dishonesty

Cheating – Providing, receiving or viewing answers to quiz or test items or independent assignments. Having books, notes/notebook or mobile devices out during test without permission.

Alcohol

Any beverages containing, but not limited to, beer, wine, liquor or other intoxicating substances. (See pg. 36)

Arson/Fire

Intentionally setting or attempting to set a fire or helping others to set a fire without intent to endanger others. day without school authorization or parental consent.

Destruction of Property

The act or attempted act of willful destruction or defacement of school or private property either on or off the school grounds where appropriate public school administrators have jurisdiction over students.

Disrespect Towards Others/ Insubordination

To willfully intimidate, insult, sexually harass, and/or engage in negative interaction by use of body language, verbally or in writing any member of teaching and learning and directly affects the safety of others. (e.g., throwing harmful items, inciting a fight, disrupting a fire drill).

Drugs

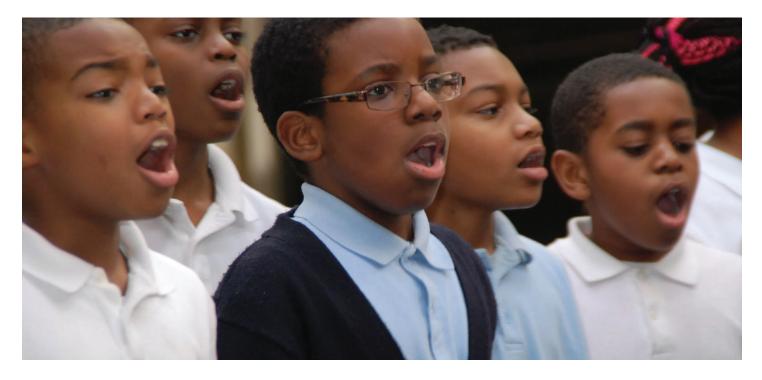
(See pg. 35)

Failure To Comply With Dress Code

Failure to adhere to policy governing attire (see Administrative Procedure 5152).

Expulsion

The denial of the right of a student to be enrolled in or attend any regular program within the Prince George's



Bomb Threat

The real or intentional false claim that an explosive device is located on school property or at a school function.

Bullying

Aggressive, repeated actions such as taunting, threatening, hitting or otherwise harming another individual that are intended to give the bully power over another person. This includes such actions by electronic means.

Class Cutting/Truancy

Absence from school or classes for a school day or a portion of the school

the school staff, student body and community members. The refusal or willful failure to respond to or carry out a reasonable request by authorized school personnel.

Disruption

- Intentionally engaging in minor behavior that distracts from teaching/ learning.
- Intentionally and persistently engaging in minor behavior that distracts from teaching/learning (e.g., talking out of turn, chewing gum, throwing small items, horseplay).
- Intentionally engaging in moderate to serious behavior that distracts from

County Public Schools, such denial determined by the Chief Executive Officer or his/her designated representative.

Explosives

The possession, use or threatened use of any explosives or other such explosive instrument(s) capable of inflicting substantial bodily injury.

False Alarms

The act of initiating a fire alarm or initiating a report warning of a fire or an impending bombing or other catastrophe without cause.

Fighting

Physical aggression with another student that is designed to or likely to cause physical harm and/or substantial disruption to the education environment.

- Intentionally shoving, pushing or otherwise being physically aggressive.
- Intentionally engaging in a fight which may result in minor cuts, scapes or bruises.
- Intentionally engaging in a fight which may result in major injuries.

Forgery

The act of falsely signing the name of another person, or falsifying times, dates, grades, addresses or other data on school forms or correspondence directed to or from the school.

Gambling

The act of illegal betting for money or valuables.

Gang or Criminal Gang

A group or association of three or more persons whose members: (a) individually or collectively engage in a pattern of criminal activity; (b) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and (c) have in common an overt or covert organizational or command structure.

Gang Activity

The commission of, attempted commission of, conspiracy to commit or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult.

Group Fight

Any physical attack or actual fighting by two or more students against another group of students consisting of two or more students. For participants who have been identified as being involved in a group fight that has been results in serious bodily injury, and/ or causes serious disruption of the school day or school environment.



Harassment/Intimidation

An incident or a series of actions, statements or behaviors directed at a specific individual or group with the intent of annoying, ridiculing, demeaning, tormenting, intimidating or otherwise causing fear in another person. (Sexual orientation, racial, religious)

Inciting Others to Violence or Disruption

By words, acts or deeds, directly instigating or prompting others to commit violence or cause a disruption in any environment, including athletic events.

Indecent Exposure

Deliberate exposure of the private parts of the body in a lewd or indecent manner in a public place on school grounds or at a school-related activity.

Internet/Computer Misuse

Use of Internet and/or computer resources for purposes other than legitimate educational activity under the direction of professional staff.

Loitering

Willful presence in a school building or restricted area of same at unauthorized times.

Physical Attack

Physically pushing, hitting or otherwise attacking another student, staff member or other person lawfully on school property. Any assault that results in serious bodily injury will be considered a Level V offense.

Physical Attack on Any Prince George's County Public Schools Employee

The act of assaulting, or an attempt to assault, any administrator, teacher or other staff member, either on school property or school bus while in attendance at any school sponsored and supervised activity.

Plagiarism

Deliberately presenting the ideas, works or statements of another as one's own, without acknowledgement of the source.



Possession of Fireworks

The possession, use or threatened use of any fireworks items such as lady fingers, sparklers, Roman candles or other similar items.

Possession or Use of Weapons or Instruments Used As Such

- Possessing an implement that is likely to cause serious bodily harm, without intent to use.
- Possessing an implement that is likely to cause serious bodily harm, with intent to use.
- Using as a weapon an implement that is likely to cause serious bodily harm.

Sexual Activity

Sexual activity or sexual misconduct (e.g., indecent exposure, engaging in sexual activity, soliciting and sexting.)

Sexual Attack

Intentionally engaging in a physical sexual attack on another.

Sexual Harassment

Behavior which includes, but is not limited to, verbal or physical sexual advances, pressure for sexual activity and unwelcomed sexually motivated touching, pinching, threats or gestures of a sexual nature; obscene or profane language or humor; sexually oriented printed material; or demanding sexual involvement accompanied by patting or intentional brushing against; repeated sexual verbal harassment.

Sexual Misconduct

Sexual harassment (e.g., unwelcomed sexual advances; request for sexual favors; and other inappropriate verbal, written or physical conduct of a sexual nature).

Shakedown/Strong Arm/Extortion

The act of obtaining under duress or by threat, borrowing, or attempting to borrow, any money or thing of value from a person in the school, or at a school sponsored activity, unless both parties enter into the agreement freely and without the presence of an implied or express threat.

Serious Bodily Injury

Severe physical damage or harm caused to the structure or function of the body caused by an outside agent or force requiring extensive medical treatment or hospitalization. Such injuries would include substantial risk of death; temporary or permanent loss of, or loss of the use of, any body part; unconsciousness; disfigurement; and/ or prolonged physical pain.

Suspension

The denial of the right of a student to attend school and participate in all school-related activities for a period of time determined by the principal or the Chief Executive Officer or designee. The student remains enrolled in the school system and is eligible to receive and make-up all homework/ classwork missed during the period of suspension.



Theft

The act of taking or acquiring the property of others without their consent.

Threat

Aggressive verbal or written language or gestures directed towards a student, a Prince George's County employee and/or any other person lawfully on school property.

Tobacco Violations

The act of possessing, using or distributing tobacco or nicotine products (including but not limited to cigarettes, e-cigarettes, cigars, pipe, tobacco, snuff, chewing tobacco or smokeless tobacco) anywhere on school property and/or during school-sponsored events.

Trespassing

Unauthorized presence on school property after being warned to leave, or presence on school property after being warned not to come onto school property. This includes while a student is on suspension.

Truancy

Being absent from school without an excused reason.

Unauthorized Departure from School

Leaving school or a school-related activity without the permission from parent and appropriate school official. (For students who skip classes and leave school grounds, see Administrative Procedure 5113, Pupil Attendance and Absence.)

Unauthorized Possession, Use or Distribution of Over-the-Counter Medication

The possession, use or distribution of unregulated medications including, but not limited to, cold medications, cough syrup, pain medications, antihistamines, herbal supplements, vitamins and other medications for sale without a physician's prescription.

Unauthorized Use of Electronic and/or Portable Communication Devices

(Excluding use of a device in a school emergency or preapproved situation.) Persistently having out a personal electronic device or having out a personal electronic device after student



has been warned. Devices include cell phones, music players, tablets, electronic gaming devices and other portable communication devices.



Policies & Procedures

Prince George's County Board of Education Prince George's County Public Schools

Loper Marlboro, Maryland

Administrative Procedure 0700 Information Technology Services Acceptable Usage Guidelines

Administrative Procedure 4170 Discrimination and Harassment

Administrative Procedure 5052 Alternative High School for Expelled Students

Board of Education Policy 5113 Pupil Attendance and Absence

Administrative Procedure 5113 Pupil Attendance and Absence

Board of Education Policy 5114.1 Withdrawal of Pupils for Non-Disciplinary Reasons

Administrative Procedure 5114.1 Withdrawal of Pupils for Non-Disciplinary Reasons

Board of Education Policy 5115 Student Appeals of Long-Term Suspensions and Expulsions

Administrative Procedure 5115 Student Appeals of Long-Term Suspensions and Expulsions

44

Administrative Procedure 5121 Examinations and Grading for Elementary and Secondary Schools

BC

Board of Education Policy 5122 Interscholastic and Extracurricular Activities: Academic Policy Requirements for Participation

Administrative Procedure 5122 2.0 Requirements for Participation

in Interscholastic Athletics and Extracurricular Activities.

Administrative Procedure 5123.2 General Procedures Pertaining to Promotion and Retention of Students.

Board of Education Policy 5125 Student Records

Administrative Procedure 5125 Student Records

Administrative Procedure 5131.1 School Bus Conduct

Administrative Procedure 5142 Gangs, Gang Activity and Similar Destructive or Illegal Behavior **Board of Education Policy 5143** Bullying, Harassment or Intimidation

Administrative Procedure 5145 Suspected Child Abuse and Neglect

Administrative Procedure 5146 Procedural Guidelines for Students Disabled Under Section 504 of Rehabilitation Act of 1973

Board of Education Policy 5152 Dress Code

Administrative Procedure 5152 System-Wide Student Dress Code

Administrative Procedure 5158 Middle School Athletic Association

Administrative Procedure 10201 Disruptive Acts Requiring Security Measures

Administrative Procedure 10301 Court Proceedings

Procedural Safeguards: Parental Rights

FORMS TO BE RETURNED TO SCHOOL

Bullying, Harassment and Intimidation Reporting Form

Code of Student Conduct Memoradum of Understanding





www.pgcps.org

Prince George's County Public Schools | 14201 School Lane | Upper Marlboro, Maryland 20744 | 301.952.6000

The Board of Education of Prince George's County does not discriminate in admissions, treatment, or employment on the basis of race, color, sex, age, national origin, religion, sexual orientation, or disability. For TTD Services/Hearing & Speech Impaired, call 301.952.6068.

Bullying, Harassment and Intimidation Form

DIRECTIONS: Bullying, harassment, and intimidation are serious and will not be tolerated. This is a form to report alleged bullying harassment, or intimidation that occurred during the current school year on school property, at a school-sponsored activity or event off school property, on a school bus, or on the way to and/or from school*; or that substantially disrupted the orderly operation of the school.

PGCPS DEFINITION: Bullying, harassment and intimidation mean any intentional conduct, including verbal, physical or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities or performance, or with a student's physical or psychological well-being. The conduct must (1) be motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability, or (2) be threatening or seriously intimidating. Electronic communication means communication transmitted by means of electronic device, including a telephone, cellular phone, computer or pager.

If you are a student, the parent/guardian of a student, a close adult relative of a student, or a school staff member and wish to report an incident of alleged bullying harassment, or intimidation, complete this form and return it to the Principal at the student victim's school. You may contact the school for additional information or assistance at any time.

(PLEASE PRINT ALL INFORMATION)

Today's Date: / / / /	School:				
Month Day Year	School S	System:			
PERSON REPORTING INCIDENT	Name:				
Telephone:	E-Mail:				
Place an X in the appropriate box: 🗅 Student 🗅 Parent	t/guardian of a st	udent 🗖 Close	adult relative of	a student 🗖 School S	taff
1. Name of student victim:		Age:	School:		
2. Name(s) of alleged witness(es) (if known):					
		Age:	School:		
3. Name(s) of alleged offender(s) (if known):	Age	School			Is he/she a student?
4. On what date(s) did the incident happen?:					
Month Day Year Month	// Day	Year	/ Month	/ Day Year	_

5. Place an X next to the statement(s) that best describes what happened (choose all that apply):

Any bullying, harassment, or intimidation that involves physical aggression

Getting another person to hit or harm the student

Teasing, name-calling, making critical remarks, or threatening, in person or by other means

- Demeaning and making the victim of jokes
- A Making rude and/or threatening gestures

(continued on back)

 Excluding or rejecting the student Intimidating (bullying), extorting, or exploiting
 Spreading harmful rumors or gossip Related to the student's disability
Related to the student's disability Related to the student's perceived sexual orientation
Cyber bullying (e.g. social media including Facebook, Instagram, etc.)
Electronic communication (e.g. email, text, etc.) Other (specify)
6. Where did the incident happen (choose all that apply)?
On school property At a school-sponsored activity or event off school property
On a school bus On the way to/from school*
*Will be collected unless specifically excluded by local board policy
7. Describe the incident(s), including what the alleged offender(s) said or did.
(Attach a separate sheet if necessary)
8. Why did the bullying, harassment or intimidation occur?
(Attach a separate sheet if necessary)
9. Did a physical injury result from this incident? Place an X next to one of the following:
No Yes, but it did not require medical attention Yes, and it required medical attention
10. If there was a physical injury, do you think there will be permanent effects? 🔲 Yes 🗔 No
11. Was the student victim absent from school as a result of the incident? Yes No If yes, how many days was the student victim absent from school as a result of the incident?
12. Did a psychological injury result from this incident? Place an X next to one of the following:
No Yes, but psychological services have not been sought Yes, and psychological services have been sought
13. Is there any additional information you would like to provide?
(Attach a separate sheet if necessary)
Signature: Date:

Code of Student Conduct Memorandum of Understanding

Prince George's County Public Schools (PGCPS) has adopted the Student Rights and Responsibilities Handbook to ensure schools maintain a safe and orderly environment for students and teachers. The policies and regulations apply to all students while on PGCPS property, which includes: school grounds, school vehicles and during all Board of Education or school related or sponsored activities/events. The offenses listed below are subject to extended suspensions or expulsions.

ALCOHOL/DRUGS	Distributing, selling alcohol/drugs, trans	sferring alcohol/drugs or any alcoh	ol/drug substance to any perso	n with or wit	hout the exchange of money.		
	Unauthorized possession or distribution	of illegal/imitation drugs, prescrip	tion or over the counter medica	ations.			
BULLYING/HARASSMENT	Bullying/harassment that is repeated or continues long term through the Internet or other use of technology.						
PROPERTY	Making a bomb threat or threatening a with a shooting.		Indicating a warning, fire or other catastrophe				
PHYSICAL	Physical attack (student or school perso intentionally physically hitting, shoving pushing, or otherwise attacking anothe even if unprovoked.	, intentionally fighting	onally fighting which results in serious students against another g		-		
	The process of obtaining property from with/without that person's consent by v use of force, striking fear or threats of bu robbery.	vrongful which is valued great	out the owner's permission, er than \$500.00.	Intentional other's prop	ly causing damage to a school or perty.		
THREAT	The process of obtaining property from with/without that person's consent by v use of force, striking fear or threats of bu robbery.	wrongful which is valued greater than \$500.00. other's property.					
SEXUAL MISCONDUCT	Engaging in inappropriate behavior of a sexual nature (ex. indecent exposure, sexual activity, soliciting sex, sexting, or repeated sexual harassment.)						
INTERNET/COMPUTER MISUSE	Use of Internet and/or computer resources for purposes other than legitimate educational activity.						
EXPULSION							
ALCOHOL/DRUGS	Distributing, selling alcohol/drugs, transferring alcohol/drugs or any alcohol/drug substance to any person with or without the exchange of money.						
PHYSICAL	Serious bodily injury or severe physical damage or harm caused to the structure or function of the body caused by an outside agent or force requiring extensive medical treatment or hospitalization. Examples: substantial risk of death, temporary or permanent loss of any body part, unconsciousness, disfigurement and/or prolonged physical pain.						
	Intentionally attacking school personnel by physically hitting, shoving, pushing or otherwise attacking another even if unprovoked.						
	Shakedown/strong arm/extortion						
PROPERTY	Intentionally setting a fire or helping ot	hers set a fire with the intent to en	danger others.				
WEAPONS	instruments used to cause serious bodily harm.	Possessing a firearm (Examples include: handgun, an unloaded/ inoperable non-firearm such as a pellet gun or BB gun and a loaded operable non-firearm.)	Possession, distribution, t and the use of explosives (Examples include: firecra smoke bombs and flares)	ackers,	Detonating or threatening to detonate an incendiary or explosiv device or material.		

By signing below, you acknowledge that (1) you received this information from school staff; (2) understand the offenses that are listed; (3) understand if you violate the above offenses, it will lead to a disciplinary referral, which could result in an extended suspension or expulsion from PGCPS; (4) have been provided an opportunity to ask questions regarding terms or concepts that you do not understand; (5) understand fully what you are signing; and (6) or other misbehavior, if serious enough, can have a severe disciplinary consequence. Failure to sign and return this form to the school does not relieve the student from the responsibility of conforming to this Student Rights and Responsibilities Handbook.

Parent Printed Name

Parent Signature

Date

Student Signature

Date

ALTERNATIVE SCHOOLS AND PROGRAMS FOR EXPELLED AND DISRUPTIVE STUDENTS AND THE INCARCERATED YOUTH PROGRAM 5052

Procedure No.

July 1, 2012 Date

I. <u>**PURPOSE</u>**: To provide expelled, court involved, disruptive, students from Prince George's County Public Schools (PGCPS) with opportunities to progress toward a high school diploma during the expulsion period, or when attendance at a regular school is not an appropriate option.</u>

II. <u>BACKGROUND</u>:

PRINCE GEORGE'S

COUNTY

SCHOOLS

PUBLIC

PGCPS

- A. Alternative School Programs are designed to provide a "final option" for expelled and/or disruptive students. Students are provided the opportunity to receive on-going instruction in reading/English/language arts, science, study skills, social studies, and mathematics. The Alternative School Programs offer a semester course schedule to assist students in acquiring credit to meet their graduation requirements in an eighteen (18) week timeframe. Courses of study include hands-on, experimental-based activities, which will infuse career and technology-related skills. The Program affords students an opportunity to earn course credits through individualized instruction and includes an emphasis on behavior modification and goals development.
- B. The incarcerated youth program serves juveniles who have been charged as adults and are incarcerated in the Prince George's County Department of Corrections (DOC) adult facility. The Prince George's County Public Schools (PGCPS) and the doc collaborate together to provide juvenile offenders with a full range of educational instruction, despite being incarcerated. PGCPS and the DOC have developed a memorandum of understanding (MOU) designating the responsibilities of each agency and the details for the deliverance of educational services for incarcerated juveniles. Instruction is provided by PGCPS teachers following school system curriculum guides and procedures.
- III. **<u>INFORMATION</u>**: The following information outlines the Alternative School Programs in Prince George's County Public Schools and applies to all of the day school alternative education options.
 - A. The Program includes:
 - 1. Mandatory school uniforms (with the exception of Community Based Classroom),
 - 2. Positive Behavioral Interventions and Supports (PBIS) model,
 - 3. Strict attendance guidelines,
 - 4. Small class sizes,
 - 5. Positive skill development, and

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

ALTERNATIVE SCHOOLS AND PROGRAMS FOR EXPELLED AND DISRUPTIVE STUDENTS AND THE INCARCERATED YOUTH PROGRAM

5052

Procedure No.

July 1, 2012 Date

- 6. A two semester maximum enrollment.
- B. The Alternative School Program Student Profile:
 - 1. Students who have either been expelled, court involved, or referred for placement as disruptive students from their base schools are appropriate candidates for the program. Primary focus will be atrisk students identified by base schools for behavioral and/or attendance concerns and are likely to earn a high school diploma based on successful intervention and expelled students who are admitted on a rolling enrollment basis.
 - 2 The program is suitable for students who would benefit from a short-term, highly structured and supportive environment.

IV. **PROCEDURES**:

A. Admission

The admission procedures outlined below apply to the following alternative school programs: Annapolis Road, Green Valley @ Edgar Allan Poe, Croom and Tall Oaks. To obtain admission procedures for the Community Based Classroom please contact the school.

- 1. <u>EXPELLED STUDENTS</u>: Upon notification of expulsion from Prince George's County Public Schools, a student will be informed in writing of the possibility of admission to the Alternative School Program as long as the offense does not fall in the following category:
 - Arson
 - Assault with Substantial Bodily Injury
 - Physical Attack on a PGCPS Employee
 - Distribution of Alcohol, Marijuana, Prescription Drugs, Controlled Dangerous Substances, Imitation Controlled Substances, Inhalants, other Intoxicants
 - Possession and/or use of weapons.

Students who have committed infractions in the above category will be reviewed by a panel to determine the most appropriate placement, if necessary, for the student. Parents will be contacted by a representative from the High School Performance (HSP) Office within 48 hours of notification of expulsion. In-take conferences for alternative schools will be scheduled by the HSP Office and conferences will be held at the Alternative School site. Placements for admission will be accepted on a continual basis until all available seats are filled.

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- 2. <u>SCHOOL REFERRED</u>: All applications are completed by and received from the base school. The student's parent or guardian must sign the application form indicating that the parent is in agreement with full participation in the program of activities and services for students and parents. Listed below are the steps necessary for school referred applications:
 - a. Obtain the application from the base schools Professional School Counseling Office - The base school administrator will complete and submit the application packet with all required documentation for admission. A checklist of all required documents can be found on page two of the application. Please note that incomplete applications delay consideration for admission to alternative schools ~ for example, failing to include the most current IEP, SIT/SST notes or FBA/BIP will further hinder the application process. Also crucial to the application process is information regarding past interventions implemented by the base school. It is incumbent upon the base school to explain to the parent/guardians why the student should apply to the alternative school.
 - b. ONLY applications submitted by the base school administration will be considered for committee review. Parents may not submit application packets. Application packets must be faxed or submitted via email (scanned) to the High School Performance Office at www. <u>AltEd.Apps@pgcps.org</u>.
 - c. Upon receipt of the application packet in its entirety, the Application/Admissions Committee Chairperson will issue a receipt for the packet to the base school and to notify the base school that the submitted application will be reviewed by the Application/Admissions Committee.
 - d. Applications will be reviewed by the program's panel of admission - The panel will include a representative from the High School Performance Office, an instructional staff member, and a representative from the Special Education Office.
 - e. The school and the parent/guardian will be contacted regarding one of the following as it relates to the student's status:
 - (1) the application was accepted,
 - (2) the application was denied, or

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(3) the student's name has been placed on the waiting list.

If the student's name is placed on the waiting list, the parent/guardian will be notified when a vacancy occurs at the alternative school site.

- f. Parents/guardians will have five (5) school days, from the date of notification, to accept the offer of enrollment for the alternative school.
- g. In the event that the base school disagrees with the decision of the Application/Admissions Committee, the school's administrator will follow the appeals process by contacting the Associate Superintendent for High School Performance who will review the individual case and render a final decision.
- h. The Application/Admission Committee will maintain a database to ensure that school capacity is maintained.
- i. The Application/Admissions Committee will work with the alternative school and the base school to ease the student's transition back into a comprehensive program once the student has met the requirements of the alternative program.
- 3. Each candidate for admission and his/her parents(s) or guardian(s) are interviewed by the admissions and program staff for the purpose of determining the appropriateness of placement. As part of the interview process, emphasis is given to the level of commitment on the part of the student and the parent to remain in an educational program that will continue the student's progress toward earning a high school diploma.
- 4. Once accepted into the Program, the student and parent(s)/ guardian(s) are required to sign an agreement that specifies school expectations in regards to:
 - a. school attendance,
 - b. behavior,
 - c. academic requirements,
 - d. the dress code of the alternative school,
 - e. level of involvement of parents and students in full participation in meetings, conferences, and counseling sessions, and
 - f. other requirements as determined by the individual school's admissions and program staff.
- 5. Upon notification of acceptance, parents/guardians and students are informed that a violation of the school system's Code of Student



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Conduct Level III or above infractions will result in the immediate removal of the student from the Alternative School Program. If a student has been placed at the Alternative School site as an expelled student and commits a Level III infraction or above, the student must serve the balance of the expulsion term outside of the day alternative school program. If a student is school referred and commits a Level III infraction or above, the student may be eligible for placement at another Alternative School site (without transportation provided) or at an evening school site. The Office of Appeals will render a decision on the most appropriate placement within 10 days from the date of the expulsion.

- B. Principles of Operation and Program Description
 - 1. Students whose behavior has led to expulsion from school, involvement with the courts, or recurring problems in a traditional school setting require intervention strategies and techniques for developing alternative, appropriate behavioral skills for dealing with conflict and stress. In some cases, referral to other agencies or support groups may be appropriate.
 - 2. The Alternative School Program offer courses for credit and or promotion toward fulfilling graduation requirements. All grades, test scores, attendance and other school data will be reflected on the student's base school data.
 - 3. Upon the student's acceptance for admission into the Alternative School, the student's records are reviewed. A determination is made regarding individual status toward meeting promotion and or high school graduation requirements, and recommendations are made for placement into appropriate core subject areas.
 - 4. To connect families to their child's educational program the Alternative Schools mandate that parents/guardians participate in selected school activities and require that parents monitor and reward behaviors that are appropriate for success in school.
 - 5. Using elements from successful self-management programs currently implemented in PGCPS, the Alternative Academies require students to participate in counseling sessions that focus on the development of conflict-resolution and self-management skills.
- D. Evaluation

Students in the Alternative Schools will be evaluated on the basis of several factors.

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- 1. Completion of course work, credits earned and promotion rates.
- 2. Performance on local and state assessments.
- 3. Participation in program activities (meetings, counseling sessions, etc.).
- 4. Student attendance and disciplinary actions.
- 5. Parental participation in program activities.
- 6. Completion of their probationary requirements and returned to their base schools or other placement options.
- 7. Completion of high school graduation requirements.
- 8. Successful reentry by student into the regular day school program.
- F. The Incarcerated Youth Program
 - 1. Principals are notified by the PGCPS court liaison of students who have been charged as adults and placed by the court system in the Department of Corrections (DOC) adult facility. The court liaison also notifies the department of alternative educational options of juvenile offenders who are charged as adults and their offenses.
 - 2. Schools are to use a T-10 code and transfer these students to the Alternative for their designated attendance area. All student records are to be sent to the appropriate alternative school. The Alternative School will maintain their grade reports and records and monitor their academic progress according to school system curriculum and procedures.
 - 3. The HSP Office, the Alternative School, and the PGCPS teachers placed at the DOC facility will collaborate together to deliver the educational program and collect and maintain data. According to the MOU, the following general agreements were made for the operation of the program:
 - a. PGCPS PROVIDES: PGCPS teachers who deliver the instruction in accordance with PGCPS contractual requirements, fiscal responsibility for the teachers' salaries/benefits, educational materials, and textbooks.
 - b. DOC PROVIDES: Appropriate security, work space for teachers and classes within the facility and general guidance and training related to DOC policies and procedures.
- V. <u>RELATED PROCEDURES AND REGULATIONS</u>: Administrative Procedure 5113, Student Attendance, Absence, and Truancy; Administrative Procedure 5123.2, General Procedures Pertaining to Promotion and Retention and Acceleration of Students; Administrative Procedure 10101, Code Of Student Conduct; and the Memorandum of Understanding Between the Prince George's



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County Department of Corrections and the Prince George's County Public Schools for Educational Services for Incarcerated Youth.

- VI. <u>MAINTENANCE AND UPDATE OF THESE PROCEDURES</u>: These procedures originate with the Division of Academics, High School Performance Office and will be updated as needed.
- VII. <u>CANCELLATIONS AND SUPERSEDURES</u>: This Administrative Procedure cancels and supersedes Administrative Procedure 5052, dated May 1, 2008.
- VIII. **EFFECTIVE DATE:** July 1, 2012.

Approved by: William R. Hite Superintendent of Schools

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, 11, and 12



STUDENT APPEALS OF LONG-TERM SUSPENSIONS AND EXPULSIONS 5115

Procedure No.

July 2, 2003 Date

- I. <u>**PURPOSE:**</u> To provide procedures for use in student appeals of long-term suspensions and expulsions before the Board of Education.
- II. **POLICY:** The Board of Education has adopted a Board Policy that a hearing officer or examiner will hear oral arguments and that the decision of the Board will be based on the record and findings of fact, conclusions of law and recommendations of the hearing officer or examiner. The Board's intent is to ensure objectivity and fairness (Board of Education Policy 5115).

III. **DEFINITIONS**:

- A. Filed or filing means received by the Board of Education.
- B. Written Notice shall be complete upon actual delivery or upon deposit of said notice in the United States mail, stamped and addressed to the addressee at the mailing address provided or appearing on the records of the Prince George's County Public Schools.
- C. Party or parties include each person, group, or entity named or admitted as a party, including a student, a parent, parent surrogate, or guardian of a student, and shall include the Chief Executive Officer.

IV. **PROCEDURES**:

- A. Applicability: These rules govern appeals of student long-term suspension and expulsion proceedings. Appeal hearings, in accordance with the Annotated Code of Maryland, Education Article §7-305, are from a decision of the CEO, or Designee, that suspension of a student for more than 10 days or expulsion of a student is warranted.
- B. Initiation of Appeals or Requests for Hearings:
 - 1. All appeals to the Board shall be from a final action or decision of the CEO or the CEO's designated representative, which adversely affects the person or persons who are appealing.
 - 2. An appeal of a long-term student suspension or expulsion shall be made by filing a notice of appeal with the Board within ten (10) days after written notice of the determination by the CEO or the CEO's designated representative to the student or the parent or guardian. Such



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notice shall advise the student or the parent or guardian of the right to appeal to the Board.

- 3. With the notice of appeal or request for hearing, or in any event, within 10 days after the notice of appeal or request for hearing has been filed, the person or persons filing the appeal or request for hearing must file with the Board, with a copy to the CEO, the following:
 - a. A concise statement of the issues presented by the appeal or the request for hearing for decision by the Board.
 - b. A concise statement of the facts on which the person or persons taking the appeal or requesting the hearing relies to support their position.
 - c. A statement by the person or persons taking the appeal or requesting the hearing that they agree or disagree with the findings of fact set forth by the CEO, or Designee; and, if the person or persons taking the appeal or requesting the hearing disagree only in part with the findings of fact set forth by the CEO, or Designee, a statement of the facts with which such person or persons disagree(s).
 - d. A copy of all documents upon which the person or persons appealing or requesting a hearing relies or believes is relevant.
- C. Referral to Hearing Examiner:

Each appeal and request for hearing involving the long-term suspension of a student or an expulsion shall be referred to a hearing examiner for hearing.-

D. Hearings

- 1. Notice
 - a. The Hearing Examiner shall give written notice of hearings to all interested parties not less than five days prior to the hearing.
 - b. Such notice shall state the date, time, and place of the hearing. Any



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disagreement concerning the charges, issues, or acts shall be resolved as part of the disposition of the appeal.

2. Representation

All parties appearing at a hearing under these procedures shall have the right to appear in person or with a representative of their choice. All parties shall have the right to be accompanied, represented, and advised by counsel.

- 3. Records Transcript
 - a. The hearing examiner shall prepare or cause to be prepared official records, which shall include all pleadings, testimony, exhibits, tape recording and other memoranda or material filed in the proceedings. The Hearing Examiner shall provide the entire record of appeal to the Board of Education.
 - b. The Hearing Examiner shall provide an accurate record of all hearings, disputes, or controversies in order that, if an appeal is taken, the record shall be submitted. The records shall be maintained by the Board Office.
 - c. A taped record of that part of the proceedings which involves the presentation of evidence shall be made.
- 4. Order of Procedure

Appellants shall present their case first and carry the burden of persuasion.

- 5. Examination of witnesses and Introduction of Evidence
 - a. The strict judicial rules of evidence shall not be applicable to evidentiary hearings and the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The hearing examiner may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The hearing examiner shall encourage the parties, where possible, to make stipulations as to matters not reasonably in



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dispute and to make proffers and stipulations in place of cumulative evidence. All testimony shall be given under oath.

- b. A party, or where a party is represented by counsel or other representative, such counsel or representative may submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- c. The CEO, or Designee, may appear in person or through counsel and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- d. The hearing examiner may examine all witnesses. The hearing examiner may call as a witness any person whose testimony may be relevant and material.
- 6. Written Memoranda

Each party and the CEO or Designee may submit written memoranda on the issues of fact and law involved in the hearing in such form as the hearing examiner may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the hearing examiner, and on such schedule as the hearing examine may designate, written memoranda may be submitted after a hearing.

7. Findings of the Hearing Examiner

In all matters heard by a hearing examiner, the hearing examiner shall make findings of fact, conclusions of law, and recommendations. The hearing examiner shall submit a tape recording of the proceedings, exhibits, findings of facts, conclusions of law, and recommendations to the Board. The hearing examiner shall distribute or mail to all parties and the Board the findings of fact, conclusions of law, and recommendations not more than five (5) business days after completion of the hearing. In the event that a parent or the CEO or Designee want to file written exceptions before the Board of Education to the findings of facts, conclusions of law and recommendation of the Hearing Examiner, such written exceptions must be filed within five (5) business days following issuance of the Hearing Examiner's



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recommendation to the Board. If the hearing examiner has provided for oral argument or for submission of written memoranda after a hearing, the five (5) day period shall not commence until after such submission of written memoranda.

8. Decision of the Board and Order

The Board shall render a decision based on the records and the findings and recommendations of the hearing examiner. Each decision and order of the Board shall be delivered in writing, with copies to all parties. Each written decision and order shall be accompanied by written findings of fact, conclusions of law of the Hearing Examiner, and a specific description of the disposition of the case.

9. Ex Parte Communications

While a matter is under consideration by a hearing examiner or by the Board, neither the hearing examiner or the Board shall receive communications from or communicate orally with any party outside the presence of all other parties, or in writing, without supplying copies to all other parties and providing an opportunity for response, as to any matter pending before the Board. No information concerning a pending matter may be released by the Board, a Board member, a hearing examiner, or a member of the Prince George's County Public Schools' administration unless it is a matter of public record, or unless it is released to a party and copies supplied simultaneously to all other parties.

- 10. Time and Notice Requirements
 - a. Computation of time

In computing any period of time prescribed by these rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not to be included. When the last day so computed would fall on a Saturday, Sunday, or legal holiday, the period shall extend to the first day thereafter not one of these days. For filing of documents with the Board, if the office of the Board is not open during its regular hours on the last day of the period, the documents shall be filed on the next day thereafter when the office of the Board is so open.



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b. Extension and shortening of time

For good cause, the Board, upon its own motion or at the request of either party, may at any time shorten or extend the time provided under these procedures for filing any document or providing any notice.

c. Filed or filing means received by the Board of Education

Written Notice shall be complete upon actual delivery or upon deposit of said notice in the United States mail, stamped and addressed to the addressee at the mailing address provided or appearing on the records of the Prince George's County Public Schools.

- V. **<u>RELATED PROCEDURES</u>**: MD Annotated Code, Education Article §6-203 and 7-305.
- VI. <u>MAINTENANCE UPDATE AND UPDATE OF THESE PROCEDURES</u>: The Office of Appeals will maintain and update this administrative procedure, as needed.
- VII. <u>CANCELLATIONS AND SUPERSEDURES</u>: None. This is a new Administrative Procedure.
- VIII. **EFFECTIVE DATE**: July 2, 2003

Approved by: André J. Hornsby Chief Executive Officer

Distribution Lists: 1, 2, 3, 4, 5, 6, 10, 11, 12, and 13



STUDENT BEHAVIOR INTERVENTIONS

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Procedure No.

February 1, 2011 Date

I. **<u>PURPOSE</u>**: To provide guidance and procedures which assure compliance with regulations pertaining to student behavior interventions.

II. **<u>DEFINITIONS</u>**:

- 1. "Behavior intervention plan" means a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.
- 2. "Business day" means any day that the school system is open.
- 3. Communicate.
 - A. "Communicate" means to convey information verbally or nonverbally.
 - B. "Communicate" includes, but is not limited to:
 - (1) Speech;
 - (2) Gestures;
 - (3) Symbols; and
 - (4) American Sign Language.
- 4. "Department" means the Maryland State Department of Education (MSDE).
- 5. "Exclusion" means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.
- 6. "Functional Behavior Assessment"
 - A. "Functional behavior assessment" means the systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan for the problem behavior. It includes:
 - (1) Identification of the functions of the problem behavior for the student;
 - (2) Description of the problem behavior exhibited in the educational setting; and





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- (3) Identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.
- 7. "IEP" means an individual education program as defined and developed in accordance with COMAR 13A.05.01.
- 8. "IEP team" has the meaning stated in COMAR 13A.05.01.
- 9. "Mechanical Restraint."
 - A. "Mechanical restraint" means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
 - B "Mechanical restraint" does not include a protective or stabilizing device.
- 10. "Nonpublic school" means a school that receives funds from the Department for the purpose of providing special education and related services to students with disabilities in accordance with COMAR 13A.09.10.
- 11. "Parent" has the meaning stated in COMAR 13A.05.01 and the PGCPS Special Education Handbook
- 12. Physical Restraint.
 - A. "Physical restraint" means the use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student's body.
 - B. "Physical restraint" does not include:
 - (1) Briefly holding a student to calm or comfort the student;
 - (2) Holding a student's hand or arm to escort the student safely from one area to another;
 - (3) Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
 - (4) Intervening in a fight in accordance with Education Article §7-307, Annotated Code of Maryland.



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- 13. "Positive behavior interventions, strategies, and supports" means the application of affirmative school-wide and individual student specific actions, instruction, and assistance to encourage educational success.
- 14 Protective or stabilizing Device.
 - A. "Protective or stabilizing device" means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body for the purpose of enhancing functional skills, preventing self-injurious behavior, or ensuring safe positioning of a person.
 - B. "Protective or stabilizing device" includes:
 - (1) Adaptive equipment prescribed by a health professional, if used for the purpose for which the device is intended by the manufacturer;
 - (2) Seat belts; or
 - (3) Other safety equipment to secure students during transportation in accordance with the public agency or nonpublic school transportation plan.
- 15. "Public agency" means Prince George's County Public Schools.
- 16. "Restraint" means the use of a physical or mechanical restraint.
- 17. "School personnel" means an individual employed by a public agency or nonpublic school as defined in this chapter;
- 18. "Seclusion" means the confinement of a student alone in a room from which the student is physically prevented from leaving.
- 19. "Student with a disability" has the meaning stated in COMAR 13A.05.01 and the PGCPS Special Education Handbook.

III. <u>GENERAL PROCEDURES</u>:

- A. School personnel shall use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors.
- B. School personnel shall only use exclusion or restraint:



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- 1. After less restrictive or alternative approaches have been considered, and;
 - (a) Attempted; or
 - (b) Determined to be inappropriate;
 - (c) In a humane, safe, and effective manner;
 - (d) Without intent to harm or create undue discomfort; and
 - (e) Consistent with known medical or psychological limitations and the student's behavioral intervention plan.
- C. School personnel may initiate appropriate student disciplinary actions pursuant to Education Article § 7-305, Annotated Code of Maryland, COMAR 13A.08.01.11, and COMAR 13A.08.03; or
- D. Law enforcement, judicial authorities, or school security personnel may exercise responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, or procedures.

IV. <u>EXCLUSION</u>:

- A. School personnel may use exclusion to address a student's behavior:
 - 1. If the student's behavior unreasonably interferes with the student's learning or the learning of others;
 - 2. If the student's behavior constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate; If exclusion is requested by the student; or
 - 3. If supported by the student's behavior intervention plan.
- B. A setting used for Exclusion shall:
 - 1. Provide school personnel with the ability to see the student at all times;
 - 2. Provide adequate lighting, ventilation, and furnishings; and
 - 3. Be unlocked and free of barriers to prevent egress.



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- C. School personnel shall monitor a student placed in exclusion and provide a student in exclusion with an explanation of the behavior that resulted in the removal and instructions on the behavior required to return to the learning environment.
- D. School personnel shall ensure that each period of exclusion is
 - 1. Appropriate to the developmental level of the student and the severity of the behavior; and
 - 2. Does not exceed 30 minutes.
- E. Parents and school personnel may at any time request a meeting to address the use of exclusion and to:
 - 1. Conduct a functional behavioral assessment; and
 - 2. Develop, review, or revise a student's behavioral intervention plan.
- F. School personnel shall consider the need to initiate a referral to Student Services or IEP team if a nondisabled student has experienced excessive exclusion, to determine if the student has a disability that may require the provision of special education and related services.
- G. School personnel shall refer a student with a disability to the IEP team if he or she has experienced an excessive period of exclusion that may result in a change of placement.

IV. **<u>RESTRAINT</u>**:

- A. The use of physical restraint is prohibited in PGCPS and nonpublic schools used by PGCPS, unless:
 - 1. There is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
 - 2. The student's behavioral intervention plan or IEP describes the specific behaviors and circumstances in which physical restraint may be used; or



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- 3. The parents of a nondisabled student have otherwise provided written consent to the use of physical restraints while a behavior intervention plan is being developed.
- B. Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint through the Department of Special Education.
- C. In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.
- D. Physical restraint:
 - 1. Shall be removed as soon as the student is calm; and
 - 2. May not exceed 30 minutes.
- E. In applying physical restraint, school personnel **may not:**
 - 1. Place a student in a face down position;
 - 2. Place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct a staff member's view of a student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso; or
 - 3. Straddle a student's torso.

V. <u>MECHANICAL RESTRAINT</u>:

- A. The use of mechanical restraint is **prohibited** in Prince George's County Public Schools. Mechanical Restraint is also prohibited in all nonpublic schools utilized by the school system unless the nonpublic school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations.
- B. School personnel may use a protective or stabilizing device:
 - 1. As prescribed by a health professional; or



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2. For a student with a disability, in accordance with the student's IEP or behavior intervention plan.

VI. **DOCUMENTATION OF THE USE OF RESTRAINT**:

- A. Each time a student is in a restraint, school personnel shall document:
 - 1. Other less intrusive interventions that have failed or been determined inappropriate;
 - 2. The precipitating event immediately preceding the behavior that prompted the use of restraint;
 - 3. The behavior that prompted the use of a restraint;
 - 4. The names of the school personnel who observed the behavior that prompted the use of restraint; and
 - 5. The names and signatures of the staff members implementing and monitoring the use of restraint.
- B. Documentation required by this Procedure shall include a description of the restraint event, including:
 - 1. The type of restraint;
 - 2. The length of time in restraint;
 - 3. The student's behavior and reaction during the restraint; and
 - 4. The name and signature of the administrator informed of the use of restraint.
- C. The documentation of the use of restraints shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.
- D. Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.
- VII. <u>SECLUSION</u>:



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The use of Seclusion is prohibited in Prince George's County Public Schools.

VIII. **<u>REFERRAL TO A PUPIL SERVICES OR IEP TEAM.</u>**

- A. If restraint is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's pupil services team or an IEP team.
- B. If restraint is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint or seclusion, the IEP team shall meet within 10 business days of the incident to consider:
 - 1. The need for a functional behavioral assessment;
 - 2. Developing appropriate behavioral interventions; and
 - 3. Implementing a behavioral intervention plan.
- C. If restraint is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint, the student's IEP or behavior intervention plan shall specify how often the IEP team shall meet to review or revise, as appropriate, the student's IEP or behavior intervention plan in accordance with the Special Education Handbook.
- D. When an IEP team meets to review or revise a student's IEP or behavior intervention plan, as specified in § C (3) of this regulation, the IEP team shall consider:
 - 1. Existing health, physical, psychological, and psychosocial information;
 - 2. Information provided by the parent;
 - 3. Observations by teachers and related service providers; and
- E. The student's current placement.
- F. The IEP team shall provide the parent of the student with written notice in accordance with COMAR 13A.05.01.12A when an IEP team proposes or refuses to initiate or change the student's IEP or behavior intervention plan that includes the use of restraint.



STUDENT BEHAVIOR INTERVENTIONS

5062

Procedure No.

February 1, 2011 Date

- G. A parent may request mediation or a due process hearing if the parent disagrees with the IEP team decision to propose or refuse to initiate or change:
 - 1. The student's IEP;
 - 2. The student's behavior intervention plan to use restraint or seclusion; or
 - 3. The student's placement.

IX. TRAINING AND TECHNICAL ASSISTANCE:

- A. At the beginning of each school year, the Department of Special Education and the Division of Student Services shall identify personnel to serve as school-wide resources to assist in ensuring the proper administration of exclusion and restraint. The contact information shall be posted on the school system's website, available to staff and parents.
- B. The individuals designated to provide technical assistance shall also conduct training for personnel who may administer restraint, in accordance with these procedures. The training shall include current professionally accepted practices and standards regarding positive behavior assessment and behavior intervention planning exclusion, restraint and alternatives to restraint and the symptoms of physical distress and positional asphyxia. The training regarding the symptoms of physical distress and positional asphyxia shall be conducted in collaboration with the Department of Health Services. The professional development shall also include a written examination and physical demonstration of proficiency in the described skills and competencies. The Department of Special Education shall maintain a list of all individuals trained each school year.

X. <u>MONITORING</u>:

- A. A student shall be referred to the School Instructional Team if he or she has been excluded, as described in these procedures, three times during a school year or sooner, if possible. The School Instruction Team shall determine whether a referral to the IEP Team is appropriate.
- B. The Principal shall review each incident of Restraint, including the Restraint Report. The Procedures described in Section VIII of these procedures shall be followed if a student is restrained at school.



STUDENT BEHAVIOR INTERVENTIONS

5062

Procedure No.

February 1, 2011 Date

C. Complaints regarding the use of exclusion or restraint shall be referred to the Area Office or the High School Consortium, as appropriate, for investigation. Complaints regarding the use of restraint shall also be referred to Security Services for investigation. Staff shall immediately report suspected abuse in accordance with the school system's Administrative Procedures if the complaint alleges that a student was improperly restrained or is injured as a result of a restraint. A report of the investigation shall be submitted to the Superintendent and Principal within 10 business days.

XI. **<u>RELATED PROCEDURES</u>**: None.

- XII. <u>MAINTENANCE AND UPDATE OF THESE PROCEDURES</u>: These procedures will be maintained and updated by the Division of Academics, Department of Special Education and the Division of Student Services, as appropriate.
- XIII. <u>CANCELLATIONS AND SUPERSEDURES</u>: None. This is a new Administrative Procedure.
- XIV. **EFFECTIVE DATE:** February 1, 2011.

Approved by: William R. Hite Superintendent of Schools

Attachment: Restraint Report

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, and 11





COOPERATION WITH LAW ENFORCEMENT OFFICERS CONTACTING PUPILS

5144

Procedure No.

September 2, 1986 Date

- I. <u>**PURPOSE:**</u> To establish procedures to govern contacts by law enforcement officers with pupils at school.
- II. <u>POLICY</u>: The Prince George's County Board of Education in recognizing the need for cooperation with law enforcement officers directs the Superintendent of Schools to establish procedures to govern contacts by law enforcement officers with pupils at school. Procedures are also governed by State Board of Education Bylaw 13A.08.01.07, Arrests on School Premises. (Board Policy 5144)
- III. <u>DEFINITION</u>: Law Enforcement Officers any duly authorized local, county, state, or federal police officer, as well as investigators of the Prince George's County Fire Marshall's Office, representatives of the Prince George's County Department of Juvenile Services, and caseworkers of the Prince George's County Department of Social Services.

IV. **PROCEDURES**:

A. Requesting the Services of Law Enforcement Agencies

When a situation arises in a school which necessitates seeking the services of a law enforcement officer, the principal shall call the appropriate agency, depending upon the services needed; describe the problem; and request assistance. If there is a Security Services investigator/counselor assigned to the school, the principal may wish to discuss the problem with the investigator/counselor prior to requesting assistance, if time permits.

- B. Arrests by and Release of Pupils to Law Enforcement Officers
 - 1. When possible and appropriate, arrests by police should be made during non-school hours and away from the school premises.
 - 2. When an arrest on school premises during school hours is necessary, the responsible school official shall ascertain: the facts from the arresting officer which will enable him/her to fully advise the parent or guardian and other appropriate school officials of the nature of the charge, the identity of the arresting officer, and the location to which the pupil is being taken.
 - 3. When an arrest has taken place on school premises during school hours, every effort shall be made by the school official to inform the parent or guardian immediately and thereafter promptly advise the Superintendent's Office.



COOPERATION WITH LAW ENFORCEMENT OFFICERS CONTACTING PUPILS

5144

Procedure No.

September 2, 1986 Date

- 4. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid embarrassing the pupil being arrested and jeopardizing the safety and welfare of other pupils.
- C. Questioning on School Premises
 - 1. School officials <u>may not permit</u> questioning on school premises of a pupil under arrest and shall request the arresting officer to remove the pupil from the premises as soon as practicable after the arrest is made.
 - 2. Police investigations involving the questioning of pupils not under arrest <u>may not be permitted</u> on school premises unless in connection with a crime committed on the premises or in connection with an investigation which if not immediately permitted would compromise the success of that investigation or endanger the lives or safety of the pupils or other persons. <u>The school official shall be</u> <u>present throughout any questioning of pupils by law enforcement</u> <u>officers</u>.
 - 3. Whenever investigative questioning of pupils is permitted on the premises, the school official should promptly advise the parent or guardian and the Superintendent's Office of the nature of the investigation and such other details as may be required.
 - 4. In the absence of an arrest, school officials may not authorize the removal of a pupil from school for the purpose of investigative questioning without the consent of the parent or guardian.
- D. Search and Seizure
 - 1. Police officers upon the authority of a search warrant may make a search of that part of the school premises described in the search warrant, and school officials should cooperate in performing the search.
 - 2. Investigative searches of school premises by police officers shall be permitted only upon the authority of a search warrant or in any case where the search is essential to prevent imminent danger to the safety or welfare of the pupils or other persons on school property. The search may not include the pupil's assigned locker unless specified in the search warrant.



COOPERATION WITH LAW ENFORCEMENT OFFICERS CONTACTING PUPILS

5144

Procedure No.

September 2, 1986 Date

- 3. Every effort should be made to conduct searches in a manner which would minimize a disruption to the normal school routine and minimize embarrassment to pupils affected.
- 4. A police officer may not search the person of a pupil not under arrest unless the police officer has a reasonable suspicion that the pupil is concealing a weapon. A school official may not conduct a search of a person at the request of a police officer.
- 5. School officials, at any time, may conduct such searches as are essential to the security, discipline, and sound administration of the particular school, but are limited, as stated above, whenever the search is in connection with a police investigation.
- E. Reporting Crimes
 - 1. School officials shall promptly report to the responsible law enforcement agencies all police matters coming to their attention, whether occurring on or away from the school premises, which involve pupils attending that particular school.
 - 2. Police matters do not include conduct which has been treated traditionally as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardian.
- F. Fire Marshall

The foregoing procedures shall govern investigations conducted in the schools by representatives of the Fire Marshall's Office.

G. Department of Juvenile Services

Any pupil on court-ordered probation may be interviewed by his/her Juvenile Services Counselor without prior parental permission or school system personnel permission.

H. Department of Social Services

Caseworkers from the Department of Social Services may interview pupils whose custody has been awarded to the Department of Social Services or pupils who have been reported to the Department of Social Services for suspected neglect or abuse. <u>Notification to the parents or guardians is not</u> <u>necessary for such interviews</u>.





COOPERATION WITH LAW ENFORCEMENT OFFICERS CONTACTING PUPILS

5144

Procedure No.

September 2, 1986 Date

I. Prince George's County Health Department

A Venereal Disease Caseworker, upon presenting proper credentials to the principal, may interview a student at the school without parental permission or notification and in complete privacy.

J. Other Agency or Individual

Any other agency or individual seeking to interview a pupil may do so only after such individual has obtained written, informed consent from the pupil's parent or guardian; or, taking the pupil's maturity into consideration, the principal may authorize such interview absent specific parental consent if in the opinion of the principal, the immediate granting of the interview would be in the personal benefit of the pupil.

K. Release of Information

Procedures for the release of information to law enforcement officers are outlined in Administrative Procedure 5125, Individual Pupil School-Based Records.

- V. <u>RELATED PROCEDURES AND BYLAW</u>: Administrative Procedure 5125, Individual Pupil School-Based Records; Administrative Procedure 5145. Suspected Child Abuse and Neglect; and State Board of Education Bylaw 13A.08.01.07, Arrests on School Premises.
- VI. <u>MAINTENANCE AND UPDATE OF THESE PROCEDURES</u>: The Division of Pupil Services is responsible for the maintenance and updating of these procedures.
- VII. <u>CANCELLATIONS AND SUPERSEDURES</u>: These procedures specifically cancel and supersede the Administrative Procedure of the same title dated May 23, 1978.
- VIII. **<u>EFFECTIVE DATE</u>**: Immediately.

Approved by: John A. Murphy Superintendent of Schools

Distribution: All Administrative Handbook Holders

CLC Tip Sheet Bullying and School Safety Issues

The Basics: Defining Bullying and School Responsibilities

Defining Bullying Generally: bullying is generally understood as aggressive behavior, repeated over time, where the aggressor is more powerful than the victim. It is important to note, however, that power need not consistently be held by the aggressor – a student who bullies one day can be a victim the next.

Definition of Bullying for DC Agencies: In the District of Columbia, "bullying" is defined in the Youth Bullying Prevention Act of 2012 as "*severe, pervasive or persistent* act or conduct, whether physical, electronic or *verbal* that [...] may be based on the student's actual or perceived [...] personal appearance, gender identity or expression, or any other distinguishing characteristic [...] and shall reasonably be predicted to (a) place a student in reasonable fear of physical harm to his or her person or property; (b) cause a substantial detrimental effect on the student's physical or mental health; (c) substantially interfere with the student's academic performance or attendance; (d) substantially interfere with the student's ability to participate in or benefit from school activities or services; or (e) materially and substantially disrupts the education process or the orderly obligation of the school." (Emphasis added.) Under the act, all DC agencies that provide "services, activities or privileges to youth" must have a policy to address bullying that includes this definition. *See* D.C. Code § 2-1535.01 *et. seq.* ("Youth Bullying Prevention Act"). Additionally, DCPS's policy notes that "bullying also occurs when a student or group of students maliciously spread rumors about another student." *See* "DCPS District-Wide Bullying Prevention Policy," available in the Toolkit.

MD Definition of Bullying: Maryland law defines "bullying, harassment, or intimidation" as "intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being." Such conduct is "motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or, threatening or seriously intimidating; and, occurs on school property, at a school activity or event, or on a school bus; or, substantially disrupts the orderly operation of a school." C.O.M.A.R. § 7-424.1 *et. seq.* Under this law, the Maryland State Board of Education was required to develop a model policy prohibiting bullying for in schools, providing either the definition set forth in the code or a definition that was no less inclusive. *See* C.O.M.A.R. § 7-424.1 (b)(2)(iii). The definition of bullying in the PG County Administrative Policy addressing bullying, intimidation and harassment is identical to the definition set forth in Maryland law. *See* PG County Administrative Procedure: Bullying, Harassment or Intimidation ("PG County Bullying Policy"), included in the Toolkit.



What Actions Steps Should I Take if a Student Reports they are Being Bullied?



→ TALK TO THE STUDENT/CLIENT FIRST. Discuss the student's ideal approach to resolving the situation – some examples are: meeting with a neutral adult and the other student to mediate a solution or requesting a safety transfer to another school. Be sure to discuss what details the student is comfortable sharing with particular persons before making disclosures.

DOCUMENT all bullying incidents in your own files and advocate that the school likewise documents *all* bullying incidents in accordance with their existing policies.

- DCPS: Under DCPS's current policy, DCPS must investigate each and every reported incident of bullying within 30 days of the report and create a written record of the incident.
- PGCPS: Under PG County Public School's current policy, reports of bullying must be made in writing (but can be made electronically). Once a report of bullying is received, the school then has two school days to investigate.

As part of the reporting and investigation process, DCPS and PGCPS bullying policies direct the school to develop an intervention plan to address the impact of reported bullying on the student.

→ INFORMAL APPEALS: If a school fails to investigate a report of bullying in accordance with the school district's policy, or if the parent or student is not satisfied with the outcome of the investigation, an appeal may be made for further assistance:

- o DC (DCPS and Charter Schools): Contact Suzanne Greenfield, Director, Citywide Youth Bullying Prevention Program. Ms. Greenfield is responsible for assisting all DC schools and other District agencies in complying with DC's Youth Bullying Prevention Program. Ms. Greenfield may also be a helpful contact if you are working with a charter school that has not yet developed a bullying prevention policy. See Citywide Youth Bullying Prevention Program, available at http://ohr.dc.gov/bullyingprevention.
- o PGCPS: Contact the Department of Student Engagement and School Support at 301-567-8751. The Department may conduct an independent review and investigation, meet with the parent and school-based personnel, and develop alternate strategies or supports.



What Can I Do If a Bullied Student Wants to Change Schools?

DCPS: The parent may request a safety transfer for the student to another school if the parent or student believes that the student is no longer safe at his or her school placement. If the student has been the victim of a violent crime, the student may be eligible for an "Individual Student Victim Transfer" under 5 DCMR § E-3809. If not, the parent may still request that the student be transferred due to safety concerns related to bullying, although there is no codified process for doing so. Such a request should be made to the school principal and the instructional superintendent.

PGCPS: PG County's Administrative Procedure on Student Transfers, included in this Toolkit, allows for school transfers where the student has been the victim of a violent criminal offense. Students may also request transfers in other situations but it is in the discretion of the school to approve them based on space and availability.

What Can I Do if the School Fails to Respond or Does Not Respond Appropriately to a Report of Bullying?

→ DC

- o File a Grievance under 5 D.C.M.R. § E-2405.1.
 - Assess whether the school has violated the Student Bill of Rights (5 DCMR § E-2401.9) in addition to the DC Bullying Prevention Policy. For example:
 - 5 DCMR § E-2401.9 protects students from "unlawful discrimination because of [...] sex, personal appearance [...] or any other basis of unlawful discrimination."
 - 5 DCMR § E-2401.12 grants students the "right to respect from teachers, other students, administrators and other school personnel, and shall not be subject to ridicule, harassment or any punishment that is demeaning or derogatory."
- File a Complaint with the Office of Human Rights or the Office of Civil Rights (*see* Toolkit section on Dispute Resolution).
- For special education students, consider filing a due process complaint or a state complaint (*see* Toolkit section on Dispute Resolution).



What Protections Against Bullying Apply to Special Education Students?

Special education students are not afforded distinct protections by the current bullying policies. However, the U.S. Department of Education has informed schools that bullying of a student with a disability to the extent that it adversely impacts the student's ability to receive meaningful educational benefit constitutes a denial of a free appropriate public education ("FAPE"). Where a student with a disability is experiencing bullying, schools may need to convene an IEP team meeting to assess whether the student's needs have changed as a result. *See* Letter from Ms. Melody Musgrove and Mr. Michael K. Yudin, U.S. Dept. of Education – Office of Special Education and Rehabilitative Services, "Dear Colleague – Bullying of Students with Disabilities," dated August 20, 2013.

Where Can I Find Additional Bullying Resources in DC & MD?

Model Bullying Policy (DC), available at <u>http://ohr.dc.gov/bullyingprevention/policy</u>.

Maryland Department of Education – Bullying Prevention, available at <u>http://www.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/bullying/</u>)

Maryland's Model Policy to Address Bullying, Harassment or Intimidation, available at (<u>http://www.msde.maryland.gov/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/19401/ModelBullyingPolicyDRAFT102108.pdf</u>)





November 2013

DCPS District-Wide Bullying Prevention Policy

Principal

Principal's Email

Principal Designee

Principal Designee's Email

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I. Introduction/Executive Summary

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

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

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

II. Background/Needs Analysis

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

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

¹ U.S. Department of Education, *Analysis of State Bullying Laws and Policies*

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

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

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

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

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

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

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

III. Definitions

"Bullying²," means any severe, pervasive, or persistent act or conduct, whether physical, electronic or verbal that

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

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

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

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

² Adopted from definition provided in the Youth Bullying Prevention Policy Act 2012

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

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

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

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

IV. Prohibition Against Bullying

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

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

V. Publication and Contact Information

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

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

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

VI. Code of Conduct

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

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

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

VII. Prevention

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

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

VIII. Intervention

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

Interventions include:

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

IX. Consequences and Progressive Discipline

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

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

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

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

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

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

X. Professional Development and Training

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

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

XI. Reporting Incidents of Bullying

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

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

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

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

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

Reporting Procedures

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

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

XII. Investigating Incidents of Bullying

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

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

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

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

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

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

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

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

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

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

XIII. Protection Against Retaliation

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

XIV. Formal Complaints and Appeals

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

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

APPENDIX

APPENDIX A: Resource Links

Mayor's Bullying Prevention Model Policy

ohr.dc.gov/Bullyingprevention.policy

D.C. Municipal Regulations *dcregs.dc.gov*

DCPS Chapter 25 Student Discipline Policy dc.gov/DCPS/Files/downloads/In-the-Classroom/DCPS-Chapter-25-Tiers

U.S. Department of Health and Human Services stopBullying.gov

Pacer's National Health Bullying Prevention Center *Pacer.org/Bullying/*

Health Education Resources of the Office of the State Superintendent of Education (OSSE) http://psse.dc.gov/service/health-education-resources

The Anti-Defamation League – Combat Bullying Tools and Resources *adl.org/combatBullying/*

Olweus Bullying Prevention *Violencepreventionworks.org/public/olweus*

APPENDIX B: DCPS Sample Bullying Incident Report

Personal Information

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

2. You are the:

a. Victim of this behavior: _____ b. Witness to an incident: _____

3. You are the:

a. Student _____

b. Parent/Guardian ______ c. Staff member (please specify): _____

d. Other (please specify): _____

4. (Optional) Your contact information:

a. Phone: ______

b. Email: _____

Incident Information

Name(s) of victim:

Name(s) of bully:

Date and Time of Incident

Date: ____/__/___ Time: _____: AM/PM Type of Aggression

Please check all that apply to this incident:

Verbal	
Physical	
Written	
Cyber Bullying	
Relational	

Location of the Incident

Please check all that apply to this incident:

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

Off-Campus location (Cyber Bullying)

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

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

Name:	Student:	Staff:	Other, specify:
Name:	Student:	Staff:	Other, specify:
Name:	Student:	Staff:	Other, specify:

Context



Appendix C- Student Grievance Procedure

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

- (f) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.
- A student who has been suspended or expelled from school shall not bring a grievance pursuant to this section, but may file an appeal according to the procedure in chapter B 25.
- An individual bringing a grievance about an issue set forth in § B 2405.1 or B 2405.2 shall follow the procedures contained in this section. An individual who is a victim of bullying or harassment, including sexual harassment, may follow these procedures or the procedures in § B 2405.5. A grievance may be filed by a parent or guardian on behalf of a student, as consistent with § B 2401.15 of this Chapter.
 - (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or administrator other than the principal or official in charge of the program or activity, that person shall advise the principal or official in charge of the program or activity of the nature of the complaint.
 - (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
 - (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem though informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
 - (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint.
 - (e) A grievant who is dissatisfied with the outcome of -- or chooses not to use -- the informal process, may file a written grievance with the principal or other responsible school official. Written grievances must be filed within forty-five (45) calendar days of the incident or circumstance being grieved or ten (10) calendar days of the completion of the informal process, if any, whichever is longer. The timeframes for submission shall be tolled in instances where the grievant did not comprehend or was not aware of the harassment.
 - (f) All complaints should include the following information, to the extent that is known by the grievant:

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

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

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

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

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

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

Appendix D- Third Party Grievance Procedure (includes parents)

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

- (b) Where it is alleged that any individual is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- (c) Where an individual is a victim of bullying or harassment, including sexual harassment; and
- (d) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.
- 405.4 No individual shall be discriminated against, or otherwise subjected to retaliation, on the basis of an individual's filing of a grievance pursuant to this section or an individual's participation in a grievance process.
- 405.5 An individual bringing a grievance about an issue set forth in § E 405.1 or § E 405.3 of this section shall follow the procedures contained in this section. A grievance may be filed on behalf of another individual by attorney or an authorized representative.
 - (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or administrator other than the principal or official in charge of the program or activity, that person shall, with the permission of the grievant, advise the principal or official in charge of the program or activity of the nature of the complaint.
 - (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
 - (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem though informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
 - (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint. The appropriate Instructional Superintendent shall be informed of the informal grievance and investigation and may be

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

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

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

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

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

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

Appendix E-Chapter 25 Appeal Process for Suspensions:

B2505.14 A student who has been suspended for fewer than eleven (11) days may appeal the Suspension as follows:

(a) A Short-Term Suspension may be appealed to the principal.

(b) A Medium-Term Suspension may be appealed to a person designated by a Chancellor.

(c) All appeals must be made by the student's parent or guardian or the adult student, either orally or in writing to the principal or person designated by the Chancellor, as appropriate, no later than two (2) school days after receiving the notice of Suspension, and may be made prior to receiving formal written notice of the Suspension. An appeal made orally shall be put in writing by the person receiving the request.

(d) All appeals will be heard by the principal (for Short-Term Suspensions) or a person designated by the Chancellor (for Medium-Term Suspensions) no later than one (1) school day after the appeal is requested. Upon request of the adult student or minor student's parent or guardian, the time for the appeal may be extended up to three (3) school days. The appeal may be held by telephone upon request of the parent or guardian if necessary due to health, work, or childcare.

(e) The student and his or her parent or guardian may present evidence and ask witnesses to speak.

(f) At the conclusion of the conference, the principal or a person designated by the Chancellor, as appropriate, shall render a final decision.

(g) No more than one (1) school day after the conference, the principal or a person designated by the Chancellor, as appropriate, shall give the student and his or her parent or guardian, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings, including the final decision.

B2505.15 A student who has been suspended for eleven (11) days or more or who has been concerning the alleged infraction until the conclusion of the school year immediately following the incident.

B2507.7 Long-Term Suspension may be appealed directly to the head of the Office of Youth Engagement:

(a) A parent or guardian, or adult student who wishes to appeal a Long-Term Suspension to the head of the Office of Youth Engagement must submit a written or oral request to appeal the proposed Long-Term Suspension within five
(5) school days of receiving notification of the Long-Term Suspension. If the request is made orally, it shall be recorded in writing by the person receiving the request.

(b) Upon receipt of an appeal, the head of the Office of Youth Engagement shall schedule a conference with the parent or guardian, or adult student, to be held within three (3) school days of receiving the appeal request.

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

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

- B2507.8 If the head of the Office of Youth Engagement has authorized Expulsion for violating the Gun-Free Schools Act, the parent or guardian or adult student may appeal the decision to the Chancellor pursuant to the process outlined in § B2507.9. The decision of the Chancellor shall be final and shall be provided in writing to the parent or guardian, or adult student, person designated by the Chancellor, and the principal of the school from which the student was expelled.
- B2507.8 Notwithstanding the other provisions of this section, a person designated by the Chancellor may, at his or her discretion, initiate Expulsion action without the recommendation of a principal or designee.
- B2507.9 An Expulsion may be appealed directly to the Chancellor.
 (a) A parent or guardian, or adult student who wishes to appeal an Expulsion directly to the Chancellor must submit a written or oral request to appeal the proposal within five (5) school days of receiving notification of the Expulsion. If the request is made orally, it shall be recorded in writing by the person receiving the request.

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

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

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

B2508 REVIEW BY THE CHANCELLOR

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



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- I. <u>**PURPOSE:**</u> The purpose of this procedure is to maintain a safe school environment that is conducive to learning and to ensure that school administrators and staff take measures to promote the prevention of bullying, harassment, and intimidation as well as prohibit reprisal or retaliation against individuals who report these acts.
- II. <u>INFORMATION</u>: In accordance with the provisions of Section 7-424.1 of the Education Article of the Annotated Code of Maryland, the Maryland State Board of Education developed and adopted a model policy to address bullying, harassment, and intimidation. All local school systems were required to establish a policy prohibiting bullying, harassment, or intimidation based on the model policy by July 1, 2009. This policy focuses on student to student bullying, harassment or intimidation. Allegations of students being bullied by an employee are to be addressed under Administrative Procedure 4170, Discrimination and Harassment.
- III. <u>BOARD POLICY</u>: It is the intent of Prince George' s County Public Schools to maintain safe environments that are conducive to learning. The name and contact information for the MSDE employee who is familiar with the reporting and investigating procedures in your local school system (LSS) (Michael Ford, School Safety Specialist, both at 410-767-0311.) The purpose of this policy is to ensure that school administrators take measures to promote the prevention of bullying, harassment, or intimidation in the learning environment and inform parents of these efforts. (Board Policy 5143)

IV. **<u>DEFINITIONS</u>**:

A. Bullying, harassment, and intimidation (BHI) are anti-social behaviors that are conducted with the intent to cause harm and are characterized by an imbalance of power. Bullying, harassment, and intimidation is intentional conduct, including verbal, non-verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socio-economic status, familial status, or physical or mental ability or disability or is threatening or seriously intimidating; and, occurs on school property, at a school activity or event, or on a school bus; or, substantially disrupts the orderly operation of a school.



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- B. "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.
- C. Retaliation is an act of reprisal or getting back at a person for an act he/she has committed.

V. **PROCEDURES**:

1. Reporting of allegations of student bullying, harassment, or intimidation

All reports must be written (and submitted to the school) or submitted electronically using the *Bullying, Harassment, or Intimidation Form.* Reports must be promptly and appropriately investigated by school administrators or the administrative designee, consistent with due process rights, using the Bullying, Harassment, or Intimidation Incident School Investigation Form within two (2) school days after receipt of a Bullying, Harassment, or Intimidation Reporting Form. Copies of the Bullying, Harassment or Intimidation Form can be requested from the school, downloaded from WWW.pgcps.org or submitted electronically by completing the digitized form on the PGCPS web page.

B. Investigation of Alleged Incidents

All allegations of BHI must be promptly and thoroughly investigated by the local school. The investigation must be documented using the Investigation Form and the Investigation Notes Form and include all notes or communication logs related to the specific incident. The following actions are to take place in order to allow the school administration/designee to determine the appropriate course of action to address the behavior. School administrators or the administrative designee will determine whether bullying, harassment, or intimidation occurred by taking the following steps:

- 1. Meet individually with the victim, the accused and any witnesses to gather information regarding the allegation.
- 2. Notify all parties involved in the incident that retaliation against a victim, witness or bystander is strictly prohibited.
- 3. Document findings from the investigation on the *Incident School Investigation Form.*
- 4. Document all notes taken during the student interviews, parent contacts, and information gathered from other witnesses on the

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Investigation Notes Form and attach the notes to the BHI Incident School Investigation Form.

- 5. Indicate findings on the Incident School Investigation Form to include whether or not the allegation was substantiated as bullying or not substantiated as bullying. If the incident is not substantiated the reason must be noted on the form.
- 6. Notify the parents of the victim and offender of the outcome of the investigation once the investigation has been completed. The notification must respect the confidentiality of the victim and the offender. Therefore, specific information related to disciplinary consequences will not be provided.
- 7. Notify the Investigative Counselor or School Security Officer immediately if the bullying, harassment, or intimidation creates imminent danger or qualifies as a delinquent act.
- 8. Log the incident into SchoolMax indicating the actions taken to investigate the allegations and the outcome (for directions see page 4, H. 1-15).
- 9. Submit a copy of the completed *Reporting, Investigation and Notes Forms* to the <u>Office of Student Engagement and School</u> <u>Support within five (5) school days.</u>
- 10. Copies of the forms **MUST** be maintained in the principal's confidential file. These forms are not to be filed in the student's cumulative folder or limited access folder.
- C. Parental Notification

The school administrator/designee will immediately notify parent/guardian of the victim and the parents of the offender of the incident.

- 1. The parent/guardian of the victim will be informed of the specific steps that the school will take to intervene, interrupt and monitor the behaviors.
- 2. The parent/guardian of the offender will be informed of the specific steps that the school will take to intervene, interrupt, and monitor the behaviors as well as the proposed consequences as stipulated in

the Students' Rights and Responsibilities Handbook.

- 3. The parent/guardian of the victim may be invited to participate in the development of an intervention plan for their child.
- 4. The parent/guardian of the offender may be invited to participate in the development of an intervention plan for their child.
- 5. The parent/guardian will be provided with a copy of the intervention plan developed for their child.



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- D. Follow-up actions by the principal or principal's designee:
 - 1. Separate conferences for the victim and offender will occur within ten (10) school days after the investigation to ensure that the bullying, harassment, or intimidation has ceased, and to determine whether there is a need for additional intervention. Individual conferences may occur as part of the counseling intervention.
 - 2. A second conference will be held with the victim four (4) weeks after the initial conference to ensure that the bullying, harassment, or intimidation has ceased.
- E. Central support for parents and school administrators
 - a. In instances wherein the bullying, harassment or intimidation incident is unresolved, and/or parent/guardians are not satisfied with the investigation; support may be requested by the school or parent/guardian from the Department of Student Engagement and School Support.
 - 2. Support may be inclusive of, but not limited to, the following:
 - ✓ Independent review of the bullying, harassment, or intimidation report, investigation and notes;
 - ✓ Interview of parties involved in data collection and disposition;
 - Review of disciplinary action as deemed appropriate, under the Student's Rights and Responsibilities Handbook related to the incident(s).
 - ✓ Consultation with the parent/guardian and school-based personnel on alternative strategies and supports.
 - Consultation with other involved offices regarding findings and recommended actions.

The Department of Student Engagement and School Support will work with the school to ensure that the incident is investigated and that the resolution is sufficient. The Department of Student Engagement and School Support may amend the findings and recommendations of the school pursuant to review.

F. Prevention of bullying, harassment, or intimidation

All schools will implement procedures to prevent and reduce acts of bullying, harassment, or intimidation.

1. Each school-based administrator will provide annual in-service training to staff on procedures to prevent, identify, investigate and report allegations of bullying, harassment, or intimidation.



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- 2. Schools will inform students and parents that bullying, harassment, or intimidation will not be condoned.
- 3. Schools will inform students about the availability and use of the *Bullying, Harassment, or Intimidation Reporting Form* and their use during orientation sessions during the first week of school.
- 4. Parents will be informed about the availability of the *Bullying*, *Harassment, or Intimidation Reporting* Form through appropriate school communication (i.e., school web site, parent newsletters, student handbook, etc.)
- 5. *Bullying, Harassment, or Intimidation Reporting Forms* will be available in the main office, counselors office and other locations in each school.
- 6. Copies of the form will be available on the Prince George's County Public Schools website.
- 7. Schools are required to conduct developmentally appropriate prevention activities such as:
 - a. Holding regular classroom meetings with students to discuss safety concerns.
 - b. Clarifying and reinforcing classroom rules against bullying, harassment, or intimidation.
 - c. Conducting classroom lessons on sensitivity and tolerance.
 - d. Forming an Anti-Bullying, Harassment, or Intimidation Committee to assess the nature and prevalence of bullying at the school.
 - e. Celebrating the annual national anti-bullying week.
 - f. Conducting grade level focus groups or a school-wide survey to identify problem areas in the building and the level of bullying, harassment, or intimidation within the school.
- G. Interventions to address bullying, intimidation, or harassment

Schools must provide intervention and support to victims and offenders to address acts of bullying, harassment, or intimidation. These interventions may include, but are not limited to, the following actions:

- 1. Parent/student conferences.
- 2. Counseling with the professional school counselor, school psychologist, pupil personnel worker, professional school nurse and other appropriate professional staff.
- 3. Behavioral contracts.



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4. Positive behavioral supports, such as functional behavioral assessments and behavioral intervention plans, etc.

- 5. Support counseling for the victim.
- 6. Support counseling for the offender.
- 7. Support counseling for bystanders.
- 8. Increased adult supervision during unstructured times (i.e. classroom changes, lunch, recess, etc.).
- 9. Social skills training, including role playing and behavioral rehearsal.
- 10. Schedule adjustment.
- 11. Development of a plan of support for the victim and offender.

The response/intervention must be documented in SchoolMax.

H. Consequences

Consequences and support strategies for persons committing acts of bullying, harassment, or intimidation, for persons engaged in reprisal or retaliation, and for persons found to have made false accusations shall be consistently and fairly applied after appropriate investigation has determined that such an offense has occurred. A range of consequences is contained in the Students Rights and Responsibilities Handbook Students Rights and Responsibilities Handbook.

- I. Inputting Bullying or Harassment Incidents into SchoolMax
 - 1. Log in to SchoolMax.
 - 2. Select Discipline from the list of modules. The discipline page appears.
 - 3. Select create an incident.
 - 4. Input the date of the incident and the type of incident following the System prompts.
 - 5. Select the appropriate event code (bullying or harassment).
 - 6. Click the **<u>update</u>** button.
 - 7. Select the appropriate bullying/harassment sub-code.
 - 8. Assign participants to the incident:
 - -offender -victim
 - -witness
 - 9. Click **Save**.
 - 10. Add a response.
 - 11. Click on the response code drop down list and select the response type.



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- 12. Click Save.
- 13. Add responses (investigative methods) in the order of occurrence. (For example, conference with student, conference with parents, counseling, etc.)
- 14. Save after each response.
- 15. For additional information refer to the online SchoolMax Discipline Training Guide. The SchoolMax training homepage is at http://www1.pgcps.org/sis. Click on Administrative Support on the upper left for the Administrators page. On that page, click on discipline under online help. Choose the appropriate reporting category from the list in the upper left of the page.
- J. Professional Development

Appropriate professional development will be provided to all stakeholders annually to support the implementation of this procedure. Professional development includes trainings for students, staff and parents. Resources and materials are available on the PGCPS intraweb. School-based security personnel must participate in professional development on the response to bullying, harassment and intimidation.

- VI. <u>RELATED PROCEDURES</u>: Administrative Procedure 0700, Information Technology Services Acceptable Usage Guidelines; Administrative Procedure 4170, Discrimination and Harassment; and Administrative Procedure 10101, Students Rights and Responsibilities Handbook.
- VII. <u>MAINTENANCE AND UPDATE OF THESE PROCEDURES</u>: These procedures originate with the Division of Student Services. Regular updating of these procedures will be accomplished, as needed.
- VIII. <u>CANCELLATIONS AND SUPERSEDURES</u>: This Administrative Procedure cancels and supersedes Administrative Procedure 5143, dated March 26, 2012.
- IX. **EFFECTIVE DATE:** July 1, 2013.

Attachments:

- 1. Harassment or Intimidation (Bullying) Incident School Investigation Form
- 2. Harassment or Intimidation (Bullying) Reporting Form
- 3. Investigation Notes Form

Distribution: Lists 1, 2, 3, 4, 5, 9, 10, 11 and 12