


# District of Columbia - Student Fair Access to School Act

 A policy that provides student disciplinary protections and limits in-school suspensions, suspension days for a single incident, suspension days in a school year, and expulsions in DC public schools and charter schools

## Policy Background

In May 2018, the District of Columbia's Every Student Every Day Coalition scored a major win. Members had been working for nearly ten years on student-discipline issues in the District of Columbia Public Schools, including two years on the drafting and passage of the Student Fair Access to School Act in the District of Columbia. When the Council of the District of Columbia unanimously passed the [Student Fair Access to School Amendment Act of 2018](#), the policy imposed significant limits on exclusionary practices used against students in DC's public and public charter schools.

The Every Student Every Day Coalition is "a team of advocacy organizations, researchers, service providers, and concerned District residents engaged in issues that affect children's access to quality learning, including education, juvenile justice, child welfare, youth empowerment, special education and civil rights." [Advocates for Justice and Education](#), a federally designated parent training and information center for the District of Columbia, served as a leader of the coalition.



A screenshot of [Chioma Oruh](#), a disability rights advocate and parent support specialist with Advocates for Justice and Education, delivering [testimony](#) on two proposed bills to increase transparency in school budgeting and spending to the District of Columbia Council Committee on Education. Along with her colleague [Stacey Eunnae](#), Oruh argued that transparency in public education is not only vital to ensuring effective democratic oversight of public schools, but it also provides essential information that enables parents and families to hold their children’s schools accountable when crucial programs are inequitably resourced or underfunded. Source: Advocates for Justice and Education. Reprinted with permission.

Advocates for Justice and Education helped build the coalition’s capacity to achieve systemic impact in student-discipline reform, and the organization was instrumental in obtaining the discipline data that was used by the coalition. Advocates for Justice and Education also connected the coalition to Councilmember David Grosso, who invited coalition members to participate in a working group of diverse stakeholders he convened for nearly two years to develop the bill. Using this collaborative working-group approach, Advocates for Justice and Education and other organizations were able to ensure that the voices of students and families directly informed the drafting of the bill.

The Coalition also organized more than 100 public testimonials for the bill, including testimonials that had to be delivered remotely using videoconferencing technology. The individuals who testified included not only representatives from advocacy groups, but students, parents, school counselors, and teachers. The Coalition also sought support from organizations whose work was not directly related to school discipline, including advocates for gender equity, homeless youth, and youth experiencing relationship violence.

Before the hearings, coalition members gathered the State Education Agency's school discipline reports and other relevant data from individual schools, which provided powerful evidence illustrating the need for reform. They filed formal complaints to the state arguing that the district's disciplinary practices were unfair, and the state had, in fact, agreed that the district was violating the law.

"Having this third-party validation," **says Maria Blauer of Advocates for Justice and Education**, "was really powerful. It wasn't us saying it. They can roll their eyes when I say something, but not the State Education Agency."

The [Student Fair Access to School Amendment Act of 2018](#) limits in-school suspensions, suspension days for a single incident, suspension days in one school year, and expulsions, while also providing other critical student protections. Advocates for Justice and Education and other partner organizations, such as the [Children's Law Center](#), are continuing their work to ensure that the District of Columbia Public Schools fully and faithfully implements the policy throughout the district.

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## Policy Language

### [EXCERPT]

#### **D.C. Law 22-157**

#### **Student Fair Access to School Amendment Act of 2018**

#### **AN ACT**

To amend Title II of the Attendance Accountability Amendment Act of 2013 to require its application to District of Columbia Public Schools and public charter schools, establishing parameters for local education agencies' policies on school climate and discipline, limiting the use of out-of-school suspensions, expulsions, and disciplinary unenrollments to certain categories of conduct and limiting the length of out-of-school suspensions, requiring special considerations around the discipline of students with disabilities, directing the Office of the State Superintendent of Education to support local education agencies and schools in reducing out-of-school suspensions, expulsions, and disciplinary unenrollments and fostering positive school climates, establishing a School Safety and Positive Climate Fund, and imposing new annual reporting requirements on the use of specific disciplinary practices across delineated demographics of students; and to amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, the

Pre-k Enhancement and Expansion Amendment Act of 2008, the District of Columbia School.

**Part C. Student Discipline.**

[§ 38-236.01. Definitions.](#)

[§ 38-236.02. Application.](#)

[§ 38-236.03. Establishment of school discipline policies.](#)

[§ 38-236.04. Limitations on exclusion as a disciplinary action.](#)

[§ 38-236.05. Exclusion of students with disabilities.](#)

[§ 38-236.06. Support for positive school climate and trauma-informed educational settings.](#)

[§ 38-236.07. School Safety and Positive Climate Fund.](#)

[§ 38-236.08. Suspension and expulsion report.](#)

[§ 38-236.09. Annual reporting requirements.](#)

**Sec. 203. Establishment of school discipline policies.**

**(a)** Local education agencies shall foster positive school climates that engage all students in learning.

**(b)** Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

**(1)** Set high expectations for student behavior and adopt an instructional and corrective approach to school discipline;

**(2)** Permit out-of-school suspension or disciplinary unenrollment as a disciplinary action only to ensure safety and in response to the most serious offenses, as set forth in school policy;

**(3)** Avoid policies requiring automatic suspension or disciplinary unenrollment for particular behaviors unless otherwise required by law;

**(4)** Include a plan for continuity of education for any student subject to a suspension, including a mechanism for modifications to the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom, and appropriate measures to ensure the student:

**(A)** Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;

**(B)** Can communicate with school personnel regarding academic work; and

**(C)** Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension;

**(5)** Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate;

**(6)** Identify conduct or categories of conduct, by severity of offense, including conduct that constitutes causing, attempting, or threatening bodily injury or emotional distress, for which a student may be disciplined;

**(7)** Identify graduated levels of disciplinary action for misbehavior through a list of options available to teachers and administrators for each level of misconduct; provided, that such a list need not be exhaustive;

**(8)** Describe the local education agency's in-school and out-of-school suspension practice and policy;

**(9)** Promote disciplinary actions that are individualized, fair, equitable, developmentally appropriate, proportional to the severity of the student's offense, and, if appropriate, restorative;

**(10)** Provide that school personnel shall consider whether student behavior can be safely and appropriately handled through other disciplinary action before making referrals to law enforcement or seeking school-related arrests in response to student behavior;

**(11)** Outline procedures for communicating with students and parents regarding disciplinary actions; and

**(12)** Articulate clearly the due process rights and procedures available to students and parents.

**(c)** The school discipline policy of a local education agency that operates a pre-kindergarten program shall be consistent with the requirements of section 303 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective June 23, 2015 (D.C. Law 21-12; D.C. Official Code § 38-273.03).

**(d)** A school, or local education agency, as appropriate, shall provide school discipline policies to students and parents and shall provide students and parents with explanations of the policies, including explanations of expectations, rights, and responsibilities of students and parents under the policies. The school, or local education agency, as appropriate, shall make the school discipline policy publicly available, including in a conspicuous place on the school and local education agency's website.

**(e)** Local education agencies shall proactively evaluate and update school discipline policies and practices to ensure fairness and equity, including by using data and feedback from students, families, and school personnel to identify, reduce, and eliminate discriminatory discipline practices or outcomes and unintended consequences.

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