

A BILL

21-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Pre-k Enhancement and Expansion Amendment Act of 2008 to prohibit the suspension or expulsion of a student of pre-kindergarten age from any publicly funded pre-kindergarten program; and to amend Title II of the Attendance Accountability Amendment Act of 2013 to establish annual reporting requirements for each local education agency on suspensions and expulsions data for all grades.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pre-K Student Discipline Amendment Act of 2015”.

Sec. 2. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

(1) A new paragraph (4A) is added to read as follows:

“(4A) “Local education agency” means the District of Columbia Public Schools system or any individual or group of public charters schools operating under a single charter.

(2) New paragraphs (11A) and (11B) are added to read as follows:

“(11A) “Serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

27 “(11B) “Out-of-school suspension” means the removal of a student from school
28 attendance for an entire school day or longer.”.

29 (b) A new section 303 is added to read as follows:

30 “Sec. 303. Restriction on out-of-school discipline for pre-k age students.

31 “(a) Beginning school year 2015-2016, no student of pre-k age may be expelled from any
32 publicly funded community-based organization, District of Columbia Public School, or Public
33 Charter School that provides pre-k care and education services to pre-k age children.

34 “(b) Beginning school year 2015-2016, no student of pre-k age may receive an out-of-
35 school suspension from any publicly funded community-based organization, District of
36 Columbia Public School, or Public Charter School that provides pre-k care and education
37 services to pre-k age children, unless it is determined by a school or program administrator that
38 the student has willfully caused or attempted to cause bodily injury, or threatened serious bodily
39 injury to another person, except in self-defense. No student of pre-k age may be suspended for
40 longer than 3 days for any individual incident.

41 Sec. 3. Title II of the Attendance Accountability Amendment Act of 2013, effective
42 September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-235), is amended by adding a
43 new section 202 to read as follows:

44 “Sec. 202. Annual reporting requirements.

45 “(a) Each local education agency and entity operating a publicly funded educational
46 program shall maintain data for each student that includes:

47 “(1) Demographic data including:

- 48 “(A) The campus attended by the student;
- 49 “(B) The student’s grade level;
- 50 “(C) The student’s gender identification;
- 51 “(D) The student’s race;
- 52 “(E) The student’s ethnicity;
- 53 “(F) Whether the student receives special education services;
- 54 “(G) Whether the student is classified as an English language learner; and
- 55 “(H) Whether the student is considered at-risk as defined in section
- 56 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter
- 57 Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-
- 58 2901(2A)); and
- 59 “(2) Discipline data including:
- 60 “(A) Total number of out-of-school suspensions and in-school suspensions
- 61 experienced by the student during each school year;
- 62 “(B) Total number of days excluded from school;
- 63 “(C) Whether the student was referred to an alternative education setting
- 64 for the course of a suspension;
- 65 “(D) Whether the student was expelled during the school year;
- 66 “(E) Whether the student voluntarily or involuntarily transferred or
- 67 withdrew from the school during the school year; and

68 “(F) For each suspension or expulsion, a description of the action that led
69 to the suspension or expulsion.

70 “(b) By August 15 of each year, each local education agency or entity operating a
71 publicly funded educational program shall submit a report to the Office of the State
72 Superintendent of Education disaggregated by each of the demographic categories identified in
73 subsection (a)(1) of this section. The report shall include:

74 “(1) The students suspended for at least one and no more than 5 days;

75 “(2) The students suspended for at least 6 and no more than 10 days;

76 “(3) The students suspended for more than 10 days total;

77 “(4) The students who received more than one suspension in a school year;

78 “(5) The students who were referred to an alternative educational setting for the
79 course of a suspension;

80 “(6) A description of the types of actions that led to the suspension or expulsion;

81 “(7) The students expelled; and

82 “(8) The students who voluntarily or involuntarily transferred or withdrew from
83 the school during the school year.

84 “(c) Each local education agency or entity operating a publicly funded educational
85 program shall provide the requested data in subsection (b) of this section in a form and manner
86 prescribed by the Office of the State Superintendent of Education.

ENGROSSED ORIGINAL

87 “(d) By October 1 of each year beginning in 2016, the Office of the State Superintendent
88 of Education shall publicly report on the suspensions and expulsions that occurred in District of
89 Columbia public schools during the preceding school year, including a relevant trend analysis.”.

90 Sec. 4. Fiscal impact statement.

91 The Council adopts the fiscal impact statement in the committee report as the fiscal
92 Impact statement required by section 602(c)(3) of the District of Columbia Home Rule
93 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

94 Sec. 5. Effective date.

95 This act shall take effect following approval by the Mayor (or in the event of veto by the
96 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
97 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
98 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
99 Columbia Register.