

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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 or an entity operating a publicly funded community-based organization 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 (5A) is added to read as follows:

“(5A) “Out-of-school suspension” means the removal of a student from school attendance for an entire school day or longer.”.

(2) A new paragraph (11A) is 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.”.

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

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

“(a) Beginning in school year 2015-2016, no student of pre-k age may be expelled from any publicly funded community-based organization, school in the District of Columbia Public Schools system, or public charter school that provides pre-k care and education services to pre-k age children.

“(b) Beginning in school year 2015-2016, no student of pre-k age may receive an out-of-school suspension from any publicly funded community-based organization, school in the District of Columbia Public Schools system, or public charter school that provides pre-k care and education services to pre-k age children, unless it is determined by a school or program administrator that the student has willfully caused or attempted to cause bodily injury, or

threatened serious bodily injury to another person, except in self-defense. No student of pre-k age may be suspended for longer than 3 days for any individual incident.”.

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

“Sec. 202. Annual reporting requirements.

“(a) Each local education agency and entity operating a publicly funded community-based organization shall maintain data for each student that includes:

“(1) Demographic data including:

“(A) The campus attended by the student;

“(B) The student’s grade level;

“(C) The student’s gender identification;

“(D) The student’s race;

“(E) The student’s ethnicity;

“(F) Whether the student receives special education services;

“(G) Whether the student is classified as an English language learner; and

“(H) Whether the student is considered at-risk as defined in section

102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)); and

“(2) Discipline data including:

“(A) Total number of out-of-school suspensions and in-school suspensions experienced by the student during each school year;

“(B) Total number of days excluded from school;

“(C) Whether the student was referred to an alternative education setting for the duration of a suspension;

“(D) Whether the student was expelled during the school year;

“(E) Whether the student voluntarily or involuntarily transferred or withdrew from the school during the school year; and

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

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

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

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

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

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

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

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

“(7) The students expelled; and

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

“(c) Each local education agency or entity operating a publicly funded community-based organization shall provide the requested data in subsection (b) of this section in a form and manner prescribed by the Office of the State Superintendent of Education.

“(d) By October 1 of each year, beginning in 2016, the Office of the State Superintendent of Education shall publicly report on the suspensions and expulsions that were imposed in local education agencies and publicly funded community-based organizations during the preceding school year, including a relevant trend analysis.

“(e) For the purposes of this section, the term:

“(1) “Community-based organization” shall have the same meaning as provided in section 101(1A) of 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(1A)).

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

#### Sec. 4. Fiscal impact statement.

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

#### Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia