



District of Columbia
Office of the State Superintendent
of Education

A Discipline Practices Guide Prepared for DC Community-Based Organizations Serving Pre-K Students





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The purpose of this guide is to outline relevant legal requirements for and to provide helpful resources to DC community-based organizations (CBOs) with publicly funded pre-kindergarten programs, with the goal of supporting CBOs in establishing more effective discipline strategies and better support children’s development. Please note, this guide has no legal effect and does not include every law or regulation that may apply to a given factual situation and does not constitute a statement of law or legal advice.

WHAT ARE THE LAWS ABOUT DISCIPLINE THAT CBOS SERVING PRE-K STUDENTS MUST FOLLOW?

In the District of Columbia, there are two acts that govern discipline practices utilized by CBOs, (1) Pre-K Student Discipline Act of 2015 (D.C. Law 20-17; D.C. Code § 38–236.01 *et seq* and § 38-273.03) and (2) the Student Fair Access to School Amendment Act of 2018, which was recently passed and updates the 2015 law to add several definitions (see “Important Definitions” below) and expands the reporting requirements for publicly funded pre-K programs.

Specifically, the law provides that publicly funded pre-K programs:

1. Cannot issue an out-of-school suspension unless the student has willfully caused or attempted to cause bodily injury, or threatened serious bodily injury to another person, except in self-defense¹;
2. Cannot suspend a pre-K age child² for longer than three days for any individual incident³;
3. Cannot expel a pre-K age child⁴; and
4. Must maintain specific data that must be reported annually to OSSE.

WHO DOES THE LAW APPLY TO?

This law applies to any publicly funded community-based organization that provides pre-K care and education services to pre-K age children. This includes all CBOs designated as high-quality in OSSE’s Pre-K Enhancement and Expansion program in addition to all pre-K classrooms at District of Columbia Public Schools and DC charter schools.

WHAT IS A “DISCIPLINARY ACTION”?

Disciplinary Action can include:

- In-school suspension: a child is temporarily removed from his or her classroom(s) for disciplinary reasons but stays under the direct supervision of center staff (i.e., child is always in same physical location as supervising staff member).⁵
- Out-of-school suspension: the removal of a child from school attendance for an entire school day or longer.⁶
- Expulsion: the center removes the child from his or her regular center for disciplinary reasons for the remainder of the school year or longer.

ARE THERE EXCEPTIONS TO THE LAW?

There are a few exceptions to this law. If a program administrator decides the child purposely caused, tried to cause or threatened serious bodily injury to another person except in self-defense, the child may be suspended.

1 D.C. Code § 38-273.03(b)

2 Pre-K aged children are 3 or 4 years of age, and children who become 5 years of age after September 30th of the upcoming school year. D.C. Code § 38-271.01(7)

3 D.C. Code § 38-273.03(b)

4 D.C. Code § 38-273.03(a)

5 D.C. Code § 38-236.01(8)

6 D.C. Code § 38-236.01(13)

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DID YOU KNOW?

- According to a 2013-2014 nation-wide survey, most public preschool children suspended are boys⁸
 - 54 percent of preschoolers are boys, yet 78 percent of preschool children receiving one or more out-of-school suspensions are boys
- Black preschool children are more than three times as likely to receive one or more out-of-school suspensions as white preschool children
 - 19 percent of preschoolers are Black boys, yet 45 percent of preschool children receiving one or more out-of-school suspensions are Black boys

⁸ [U.S. Department of Education,](#)

[Office of Civil Rights](#)

ARE THERE ANY RULES THAT MUST BE FOLLOWED RELATED TO THE EXCEPTION?

Yes. If the suspension or expulsion is deemed appropriate, the child cannot be suspended for more than three days for any individual event. Each program must report all suspensions and expulsions to OSSE by Aug. 15th of each year (see below reporting requirements).

WHY DO DISCIPLINARY ACTIONS FOR PRE-K MATTER?

Changes to the Child's Daily Routine.

Disciplinary actions that cause a child to be removed from his or her learning environment disrupt the child's education. When the child is not in the CBO, he/she cannot participate in daily routines at the CBO and, therefore, cannot engage in learning activities. In addition, he/she cannot play with his/her peers and there are missed opportunities to learn how to better socially problem-solve (e.g., missed opportunities to develop better social skills, missed opportunities to develop better friendship initiation skills). As a result, the behaviors that led to the disciplinary action may become worse as children need opportunities to develop social skills with other children and preschool is a place in which these skills can be enhanced as children interact with other children under the supervision of early childhood professionals.

Changes to the Family's Routines.

Disciplinary actions may also cause disruption to the family's employment status or work schedules during the time of the child's disciplinary action. When a child is removed, even if temporarily, from an early care and education setting, families are often unexpectedly tasked with making alternate care arrangements for their child. In many cases, families may not be able to find alternate arrangements on such short notice and must stay at home with their child, causing the parent/guardian to miss work. In some cases, this results in lost pay for these families and some families may lose their jobs. This difference in the child's routine can also negatively impact the child as well (e.g., due to more stress at home, change in routines).

Children with Disabilities.

All children can be negatively impacted by disciplinary actions, though children with disabilities require special consideration.

- CBOs must follow specific procedures, described in part below, under the Individuals with Disabilities Education Act (2004)⁷, when a child with a disability (or is suspected of having a disability) receives a disciplinary action that removes the child from his or her learning environment for 10 days or more during the school year.
- A child with an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) is entitled to specific services that may be interrupted if disciplinary action is taken.

What is an Individualized Education Plan?

An Individualized Education Plan (IEP) is a written document that defines a child's special education program. The IEP describes the disability under which the child qualifies for special education services; the services the school will provide; the child's annual goals and objectives; and any required accommodations needed to assist the child's learning.

What is an Individualized Family Service Plan?

- An Individualized Family Service Plan (IFSP) is a written document developed collaboratively between early intervention staff and family members that is used to document and guide the early intervention process for infants and toddlers with disabilities and their families.
 - IFSPs capture the individual concerns, priorities, outcomes, supports and services for an eligible child and their family.
 - Preschoolers may have an IFSP if early intervention services were initiated before the child turns three.

⁷ 20 U.S.C. § 1400 (2004)

WHAT IS AN “UNUSUAL INCIDENT”? WHAT DO THEY HAVE TO DO WITH DISCIPLINARY ACTIONS?

All CBOs in the Pre-K Enhancement and Expansion are required to be licensed child development facilities and comply with all relevant local laws and regulations. A licensed child development facility must report unusual incidents to OSSE.⁹ An “Unusual Incident” is any accident, injury, or other extraordinary event that involves a child in care, a staff member, or the operation of a Child Development Facility, including suspected child maltreatment or abuse.¹⁰

- Child care facilities must report an unusual incident that presents an imminent danger to the health, safety or welfare of children, adults or the general public to OSSE’s Licensing and Compliance Unit.
- Staff at the child care center are also required to reduce potential danger or harm through timely reporting, investigation and remediation of incidents.
- Examples include, but are not limited to, accident or injury; physical, sexual or verbal abuse of a child by staff or other children; staff negligence; communicable disease occurrence; facility/property issues (e.g., building security, theft, fire threats, false alarms).
- Some disciplinary actions may occur that may also need to be reported as unusual incidents.
 - For example, if a child is suspended or expelled because the child caused injury to another child or a staff member, the injury must be reported as an Unusual Incident in addition to being reported in the Annual Discipline Data Collection (see below for details).

WHAT ARE THE REPORTING REQUIREMENTS FOR DISCIPLINARY ACTIONS?

Annual Discipline Data Collection.

- CBOs must maintain specific data throughout the year.¹¹
- OSSE collects discipline data at the end of each program year; complete and validated data are due by August 15 of each year.
- CBOs are required to provide comprehensive data on all disciplinary actions during each program year using the [Discipline Data Collection Template](#) provided by OSSE.
- In order to protect children’s privacy, the completed [Discipline Data Collection Template](#) must be submitted via secure upload using the [Box](#) site.
- For more information or questions regarding the Discipline Data Collection, including information on requirements of the data submission and trainings, please contact Bradley Quarles, Data Analysis Manager at Bradley.Quarles@dc.gov or (202) 765-7202.

Unusual Incident Reporting.

- CBOs must complete an Unusual Incident Report form to report unusual incidents.
- The form should be immediately submitted (by fax or email) after the incident occurred to the Licensing and Compliance Unit.

FAX or EMAIL

Attn: Licensing and Compliance Unit (LCU)
Fax: (202) 727-7295 | Email: osse.childcarecomplaints@dc.gov.

Contact Information.

- Please contact Tommy Totten, Program Manager, at Tommy.Totten@dc.gov or (202)-442-5860 if you have any questions or would like additional information about reporting Unusual Incidents.

9 5-A District of Columbia Municipal Regulations (DCMR) § 128.

10 5-A DCMR § 199.

11 D.C. Code § 38-236.09.

EXPULSION:

The removal of a student from the student’s school of enrollment for disciplinary reasons for the remainder of the school year or longer, in accordance with local education agency policy.

- **Involuntary dismissal:** the removal of the student from school attendance for less than 1/2 of a school day for disciplinary reasons, during which time the student is not under the supervision of school personnel and is not allowed on school grounds.
- **Involuntary transfer:** the removal of a student from the student’s school of enrollment for disciplinary reasons for the remainder of the school year, or longer, and the student’s enrollment in another school within the same local education agency, in accordance with local education agency policy.

OUT-OF-SCHOOL SUSPENSION:

The temporary removal of a student from school attendance to another setting for disciplinary reasons, during which time the student is not under the supervision of the school's personnel and is not allowed on school grounds.

(A) The term “out-of-school suspension” includes an involuntary dismissal.

(B) For students with disabilities, the term “out-of-school suspension” includes a removal in which no individualized family service plan or individualized education plan services are provided because the removal is 10 days or fewer as well as removals in which the student continues to receive services according to the student's individualized family service plan or individualized education plan.

WHAT ARE THE IMPLICATIONS FOR PRACTICE?

There are many things that CBOs can do to support children, families and staff as they work to incorporate discipline practices that are more aligned with the Pre-K Discipline Act of 2015.

- As licensed child development facilities, CBOs should have discipline policies that comply with 5-A DCMR § 141, and:
 - Have clear expectations in writing and
 - Are routinely communicated with children, families and staff.
 - Utilize and implement strategies—such as those in the resource section—that de-escalate children's behavior to prevent the need for disciplinary actions
 - When children act out, respond with strategies that promote empathy to help children take the perspective of the other child (or adult), which can help to de-escalate the situation.
- CBOs must carefully track disciplinary actions throughout the year with detailed notes to help OSSE better understand what types of Technical Assistance may be needed in the community.
- CBOs can ensure that all children receive developmental screenings and referrals to [Strong Start DC Early Intervention Program](#) as needed to promote children's positive, healthy development.
- CBOs can ensure teachers and administrators take appropriate breaks throughout the day to ensure adequate self-care of the workforce.

IMPORTANT DEFINITIONS (SEE D.C. CODE §38-236.01 FOR THE FULL LIST OF RELEVANT AND APPLICABLE DEFINITIONS)

- **Bodily injury:** a cut, abrasion, bruise, burn, or disfigurement; physical pain; illness; impairment of the function of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary.
- **Disciplinary unenrollment:** the expulsion or involuntary transfer of a student from a school.
- **Emergency removal:** the immediate out-of-school suspension or disciplinary unenrollment of a student based on the school's reasonable belief that the student's presence poses an immediate and continuing danger to other students or school staff.
- **Exclusion:** the removal of a student from the student's daily class schedule for disciplinary reasons and includes a suspension or a disciplinary unenrollment.
- **Expulsion:** the removal of a student from the student's school of enrollment for disciplinary reasons for the remainder of the school year or longer, in accordance with local education agency policy. Involuntary dismissal: the removal of the student from school attendance for less than 1/2 of a school day for disciplinary reasons, during which time the student is not under the supervision of school personnel and is not allowed on school grounds. Involuntary transfer: the removal of a student from the student's school of enrollment for disciplinary reasons for the remainder of the school year, or longer, and the student's enrollment in another school within the same local education agency, in accordance with local education agency policy.
- **Suspension:** an in-school suspension or an out-of-school suspension.
- **Involuntary Dismissal:** the removal of the student from school attendance for less than 1/2 of a school day for disciplinary reasons, during which time the student is not under the supervision of school personnel and is not allowed on school grounds.

WHAT ADDITIONAL RESOURCES AND SUPPORTS ARE AVAILABLE?

The list below includes resources on increasing understanding of pre-K discipline topics and supports/services for families and programs in addressing pre-K child disciplinary matters. Professional development opportunities are also available that focus on strategies for preventing and responding to what may be perceived as challenging behaviors.

District of Columbia

- The [Strong Start DC Early Intervention Program](#) serves as the single point of entry for young children (birth to three years) in Washington, DC whose caregivers have concerns about their development. Strong Start accepts referrals from anyone who has concerns about a child's development including parents, family members, friends, physicians, hospitals, child care staff and social workers. As of July 1, 2018, children with a developmental delay of 25 percent or more, in at least one development area, may receive early intervention services.
- [Early Stages](#) evaluates children between the ages of 2 years 8 months and 5 years 10 months to help identify any delays and arranges services to address them. Early Stages is a DC Public Schools assessment center for any child who goes to a DC public school, is home-schooled or has not yet entered DCPS; assistance may also be provided to children in DC childcare centers or DC private schools.
- The [Healthy Futures Program](#) offers child and family-centered consultation services to care providers and family members that build their skills and capacity to promote social emotional development, prevent escalation of challenging behaviors, and increase appropriate referrals for additional assessments and services.
- The [Primary Project](#) provides screening and early intervention services to children in pre-kindergarten through third grade identified with mild school adjustment issues.
- The [Parent Infant Early Childhood Enhancement Program](#) involves play and art therapy, infant observation, and Parent Child Interaction Therapies, and supports parenting groups. Children served by this program are primarily five years of age and younger.
- The [DC Department of Behavioral Health's Access HelpLine](#) at 1(888)7WE-HELP or 1-888-793-4357 is a 24-hour, seven-day-a-week telephone line that is staffed by behavioral health professionals who can refer a caller to immediate help or ongoing care. The Access HelpLine can activate mobile crisis teams to respond to adults and children who are experiencing a psychiatric or emotional crisis and are unable or unwilling to travel to receive behavioral health services. Reasons for reaching the Access HelpLine include accessing:
 - emergency psychiatric care;
 - help with problem solving;
 - advice on whether to seek ongoing mental health services or other types of services; and
 - information about what services are available.

IN-SCHOOL SUSPENSION:

Temporarily removing a student from the student's regular class schedule as a disciplinary consequence, during which time the student remains on school grounds under the supervision of school personnel who are physically in the same location as the student.

Need More Information?

Contact Us!

Christina Crayton
Early Childhood Education
Policy Officer
Division of Early Learning
Office of the State
Superintendent of
Education
(202) 442-4716
Christina.Crayton@dc.gov

Dr. Bonnie Mackintosh
Director, Policy, Planning
and Research
Division of Early Learning
Office of the State
Superintendent of
Education
202-741-0791
Bonnie.Mackintosh@dc.gov

National

- The [Pyramid Model Consortium](#) provides professional development and resources to early childhood professionals. The Consortium offers training and resources that could help programs prevent and respond to challenging behavior. The Pyramid Model is a positive behavioral intervention and support (PBIS) framework that uses systems-thinking and implementation science to promote evidence-based practices.
- The [Head Start National Center on Cultural and Linguistic Responsiveness](#) provides resources for administrators, teachers, and caregivers on supporting culturally and linguistically diverse children and their families. Among the resources included is a Dual Language Learners Toolkit for building an intentional approach to language use.
- The [U.S. Department of Health and Human Services and the U.S. Department of Education](#) released a policy statement on expulsion and suspension policies in early childhood settings, which includes appendices on Early Childhood Mental Health Consultation, Positive Behavior Intervention and Support, and resources for parents, families, programs, schools and staff.
- The [Center for Early Childhood Mental Health Consultation](#) develops strategies and materials to help Head Start programs build a strong mental health foundation for children, families and staff. Resources include the Facilitating Individualized Interventions to Address Challenging Behavior toolkit.
- The [Center of Excellence's Infant and Early Childhood Mental Health Consultation \(IECMHC\) Toolbox](#) offers interactive planning tools, guides, videos, and other resources to support IECMHC efforts.
- The [Administration for Children and Families Expulsion and Suspension Resource Page](#) provides information on state and local action to prevent expulsion and suspension in early learning settings.
- [Birth to 5: Watch Me Thrive!](#) is a coordinated federal effort to help families and providers celebrate milestones, promote universal screening, identify possible delays and concerns early, and enhance developmental efforts.
- The [National Black Child Development Institute](#) offers publications focusing on a strengths-based approach to supporting Black children, as well culturally relevant resources to support Black children in early childhood.
- [The National Child Traumatic Stress Network](#) was created by Congress in 2000 as part of the Children's Health Act to raise the standard of care and increase access to services for children and families who experience or witness traumatic events.
- [ZERO TO THREE](#) offers a topic section on Challenging Behaviors with resources, such as videos, on supporting the development of self-regulation in young children. One such video features strategies for supporting caregivers in setting age-appropriate limits for young children who are learning to how to appropriately express their emotions.





Office of the State Superintendent of Education
1050 First Street, NE, Washington, DC 20002