

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

**West Group
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To require, on an temporary basis, the Metropolitan Police Department to notify the Superintendent of the District of Columbia Public Schools of a student's arrest and charge for a crime of violence, dangerous crime or reportable offense, to authorize the Superintendent, upon recommendation from the principal of the school in which the student is enrolled to remove a student and provide an alternative educational program for the student; and to amend section 16-2333 of the District of Columbia Code to authorize the Superintendent and the Superintendent's designee including the principal of the school in which the student is enrolled, to receive information from confidential juvenile arrest records.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Attendance and School Safety Temporary Act of 2001".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Alternative Education Program" means an educational program other than that in which the student was placed prior to disciplinary action.
- (2) "Crime of violence" means any offense enumerated in section 1(f) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.
- (3) "Dangerous crime" means any offense enumerated in section 1(g) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.
- (4) "Hearing" means a formal administrative conference with the school official responsible for issuing a recommendation for disciplinary action.
- (5) "Law enforcement agency" means any non-federal law enforcement agency

authorized to make arrests in the District of Columbia.

(6) "Reportable offense" means any offense enumerated in section 3(b).

(7) "School population" mean all persons enrolled or legitimately on the premises of the school in which the student is enrolled, or any personnel of the school in which the student is enrolled.

Sec. 3. Notification of reportable offenses.

(a) If a student enrolled in the District of Columbia Public Schools is arrested and charged with a crime of violence, dangerous crime, or a reportable offense enumerated in subsection (b) of this section, the law enforcement agency making the arrest shall notify the Superintendent of District of Columbia Public Schools ("Superintendent") of the arrest and the charges against the student within 48 hours of the arrest and charge, or as soon as practicable.

(b) Pursuant to subsection (a) of this section, the Metropolitan Police Department shall notify the Superintendent of the District of Columbia Public Schools if a student is arrested and charged with a crime of violence, a dangerous crime, or any of the following reportable offenses:

- (1) The unlawful purchase, possession or use of a weapon;
- (2) Homicide;
- (3) Felonious assault and bodily wounding;
- (4) Criminal sexual assault;
- (5) The manufacture, sale, gift, distribution or possession of a Schedule I or Schedule II controlled substance;
- (6) Manufacture, sale, gift, distribution or possession of marijuana;
- (7) Arson and related crimes; or
- (8) Burglary and related offenses.

Sec. 4. Removal of student from school population.

(a) Upon notification, as provided in section 3(a), the Superintendent may notify the principal of the school in which the student is enrolled of the arrest and charges. If the Superintendent notifies the principal, then the principal may issue a recommendation as to whether the student should be removed from the school population and the type of alternative educational program and related services that should be provided. The Superintendent may then approve or disapprove the principal's recommendation.

(b) Before removing a student, the Superintendent shall comply with the notice and hearing requirements found at 5 DCMR § 2505.

Sec. 5. Dissemination and maintenance of records of reportable offenses.

(a) Except by court order, upon good cause shown, the arrest information received by

the Superintendent regarding the student, pursuant to section 3 is confidential and shall:

- (1) Not be disclosed by subpoena or otherwise except to the Superintendent's designee, and principal of the school in which the student is enrolled;
- (2) Not be made part of the student's permanent record or cumulative file; and
- (3) Remain separate from all other records concerning the student.

(b) The principal of the school in which the student is enrolled shall forward a copy of the report received from the Metropolitan Police Department to the student's parents or guardian upon the student's removal from the school population, except in cases where the student is emancipated.

Sec. 6. Section 16-2333(b) of the District of Columbia Code is amended as follows:

- (a) Paragraph (6) is amended by striking the word "and" at the end.
- (b) Paragraph (7) is amended by striking the word "and" at the end.
- (c) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(d) Add a new paragraph (9) is added to read as follows:

"(9) the Superintendent of District of Columbia Public Schools, and the Superintendent's designee's, including principals pursuant to section 3 of the Attendance and School Safety Temporary Act of 2001."

Sec. 7. Fiscal impact statement.

The fiscal impact statement is attached.

Sec. 8. Effective date.

(a) 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87

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Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia