



Advocates for Justice and Education, Inc.

The federally designated Parent Training and Information Center for Washington DC

Know Your Rights: Student Fair Access to School Amendment Act of 2018

On July 12, 2018, the District of Columbia made into law the Student Fair Access to School Amendment Act of 2018. (SFASA). The SFASA applies to both D.C. Public Schools and D.C. public charter schools. This new law aims to protect students' right to an education by preventing schools from pushing students out for minor offenses, limiting unreasonably long out-of-school suspensions, and encouraging schools to implement trauma-informed responses as alternatives to practices that deprive students' access to instruction. Below are some of the key sections of the law.

Limitation on In-School Suspensions

- Schools may give in-school suspensions that last between one and five days, but schools may not exceed the five day limit.

Limitation on Suspension Days for a Single Incident

- Grades K - 5: Students cannot receive an out-of-school suspension for longer than five consecutive school days.
- Grades 6 - 12: Students cannot receive an out-of-school suspension for longer than ten consecutive school days.

Limitation on Suspension Days in a School Year

- In General, students in grades K-12 cannot be suspended for more than twenty cumulative school days in a school year.
- There are two exceptions to this general rule* :
 - (1) If the head of the local education agency (LEA) provides "a written justification to the student and parent describing why exceeding the 20-day limit is a more appropriate disciplinary action than alternative responses."
 - (2) If the student's conduct "necessitated emergency removal" and the head of the LEA provides written justification to the student and parent.

*DCPS guidance requires that the Chancellor provide the written justification.

Other Protections for Students

- Students cannot receive an out-of-school suspension, expulsion or involuntary from school for unexcused absences or late arrivals. However, students can be unenrolled from school for 20 or more consecutive full-school-day unexcused absences.
- Suspended students cannot be denied the "right to continue to access and complete appropriate academic work or to earn credit toward promotion or graduation."
- Schools cannot prohibit students from returning to school after an out-of-school suspension because the parent does not accompany the student or attend a conference at school.

Hearing Rights

- Students are entitled to a hearing before an impartial hearing officer for any suspensions six days or longer.
- In DCPS that means this hearing is held at the DC Office of Administrative Hearings (OAH).
- Charter schools have their own policies for how and where those hearings are held. Those policies must be explained in the parent/student handbook.

Limitations on Exclusion as Disciplinary Action

- Beginning in School Year 2019-2020, no student in grades Kindergarten – 8 can receive an out-of-school suspension, expulsion or involuntary transfer, unless, a school administrator determines that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.
- Beginning in School Year 2020-2021, no student in grades 9 – 12 can be given an out-of-school suspension, expulsion or involuntary transfer for violating the school's dress code or uniform rules, willful defiance or for behavior that occurs off school grounds and not part of a school-sponsored activity, unless the student causes, attempts to cause or threaten bodily injury or emotional distress to another person.

Need Additional Help?

If you have questions or would like to request assistance in challenging a suspension or expulsion: Call, email or visit AJE: (202) 678-8060 • information@aje-dc.org • 25 E Street, NW 3rd Floor • Washington, D.C. 20001. Mary's Center Intake on Tuesdays and Thursdays at 3912 Georgia Avenue, NW, Washington, DC 20011.