



The SEED School of Washington, D.C.  
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## 2020-2021 SCHOLAR FAMILY POLICIES

### **SCHOLAR CODE OF CONDUCT**

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SEED DC expects that all scholars will follow the Scholar Code of Conduct. However, for scholars that act in a way that disrupts a safe, supportive, and orderly learning environment, SEED DC will implement disciplinary responses to address the behavior infraction(s). It is our goal to ensure that scholars learn the skills necessary to demonstrate appropriate behaviors both inside and outside of the school community.

In accordance with the Student Fair Access to School Amendment Act of 2018, SEED DC annually reviews and updates its Disciplinary Policy to ensure that it:

- Ensure fairness and equity
- Reduces/eliminates discriminatory disciplinary practices and outcomes
- Maximizes instructional time
- Improves the school's practices throughout the school year

The Discipline Policy Review Process includes using data and feedback from scholars, families, and school personnel.

### **Model of Care**

“Model of Care” (MOC) is a school-based intervention strategy that emphasizes behavior management practices, relationship-building techniques, and social skills instruction. The MOC offers structures and strategies to reduce disruptive behaviors and empower scholars with self-management skills. The goals of the MOC at SEED DC are to: Teach scholars life-changing skills; Help scholars build healthy relationships; Empower scholars to make good decisions on their own, and to Care for scholars in a family-style environment. SEED DC staff implement the MOC at all times in our 24-hour a day school boarding environment, providing both praise for scholars practicing and demonstrating positive social skills, as well as redirection and instruction to address social skill deficits. The MOC helps staff members to prevent scholar behavioral infractions, and also provides consequences (e.g., practicing a social skill) for violating the SEED DC Code of Conduct.

### **Disciplinary Level Behaviors**

Levels I and II behaviors are behaviors that are insubordinate or cause minor disruptions to the school environment but do not involve damage to school property or harm to self or others. These behaviors result in classroom/residential staff utilizing techniques and practices from SEED's Model of Care, that focus on teaching social skills includes the use of corrective



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strategies and corrective teaching so that teachers and Student Life faculty can manage minor scholar behaviors within their instructional and residential spaces.

Level III behaviors are behaviors that may require additional faculty support to implement interventions or strategies for a scholar. At this level, disciplinary responses may include but are not limited to, restorative justice conference/conversation, scholar support action plan, parent conference, etc. The goal is for scholars to learn to take ownership of their behavior(s), be active participants in changing the behavior, and repairing any harm done.

Level IV behaviors are behaviors that cause significant disruption to the academic and residential environment and/or school operations, destroy school property, or cause significant harm to self or others. These behaviors result in administrative responses primarily conducted by the Principal, Assistant Principal, Directors of Student Life and Dean of Students.

Level V behaviors are behaviors that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Disciplinary Responses for Level V behaviors will result in a Discipline Review Meeting at which time scholars will be considered for removal from SEED DC. These behaviors will result in administrative responses conducted by the Dean of Students, Principal, Assistant Principal, and/or Directors of Student Life.

Please note that should a disciplinary incident occur for which there is currently no level and/or there is a range of disciplinary responses, the Dean of Students, Principal, Assistant Principal, and/or Directors of Student Life will assign an appropriate disciplinary level and response to the behavior.

**Level I: Behavior Infractions:**

- Attending class without required class materials or equipment
- Unauthorized eating in the classroom, residence hall room, or other unauthorized space
- Refusal to keep living area neat and orderly
- Refusal to complete and turn in assignments during class time, study hall or other scheduled time
- Refusal to comply with staff instructions, classroom or school rules
- Off task behavior that demonstrates disengagement from classroom learning (such as talking or playing)
- Unauthorized presence in the hallway during class time
- Tardy to class, program, or activity



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| <ul style="list-style-type: none"><li>• Refusal to participate in class or programming</li><li>• Refusal to follow dining hall routines</li></ul>  |
| <p><b>Range Of Consequences:</b> Loss of Kickboard dollars, redirection, reflection, restitution, behavior contract, call home, early lights out, the make-up of missed learning time and loss of privileges. While these consequences are implemented by classroom teachers and Student Life staff working directly with scholars, other school-based disciplinary response may occur as approved by the school administrative team.</p>  |
| <p><b>Staff Oversight:</b> Teachers, Student Life Counselors, Student Life Assistants, Overnight/Morning Student Life Assistants, and Support Staff</p>  |
| <p><b>Level II: Behavior Infractions:</b></p>  |
| <ul style="list-style-type: none"><li>• Failure to follow SEED DC cell phone procedure</li><li>• Non-compliance with the approved dress code</li><li>• Sleeping during class, study hall, or scheduled time for reading</li><li>• Improper use of school equipment or materials</li><li>• Inappropriate campus phone usage (e.g., using cell phones outside of authorized time or without supervision)</li><li>• Profanity, abusive language and/or gestures (including “put-downs”, “joning,” derogatory remarks, and sexually explicit remarks)</li><li>• Running in hallways, classroom, residence hall, or other community spaces</li><li>• Throwing items in class, residence hall, or community setting</li><li>• Refusal to complete assigned Level I disciplinary responses</li><li>• Possession of or displaying inappropriate music, videos, images, posters, magazines (e.g., images or music that include profanity, nudity, or derogatory language).</li><li>• Possession of or displaying pornographic material via technology device.</li></ul> |
| <p><b>Range of Consequences:</b> loss of Kickboard dollars, redirection, reflection, restitution, behavior contract, call home, early lights out, make-up of missed learning time and loss of privileges. While these consequences are implemented by classroom teachers and Student Life staff working directly with scholars, other school-based disciplinary response may occur as approved by the school</p>   |



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| administrative team.   |
| <b>Staff Oversight:</b> Teachers, Student Life Counselors, Student Life Assistants, Overnight/Morning Student Life Assistants, and Support Staff   |
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| <b>Level III: Behavior Infractions:</b>  |
| <ul style="list-style-type: none"><li>• Violations of the computer and network Acceptable Use Policy, not pertaining to Level IV infractions</li><li>• Truancy and excessive tardiness (more than five minutes late, three times) for class, Student Life routines, activities, breakfast, etc.</li><li>• Inappropriate display of affection (kissing, hugging, holding hands, groping)</li><li>• Solicitation (selling unauthorized items—e.g. snacks—at school)</li><li>• Forgery, cheating or plagiarism</li><li>• Inappropriate/inadequate participation in school activities (e.g., internships, off-campus outings, weekend enrichment opportunities connected to SEED DC etc.)</li><li>• Horseplay (e.g., hitting, grabbing, shoving, poking, tapping, chasing)</li><li>• Refusal to report to assigned internship, school event, etc.</li><li>• Being in an unauthorized area (out of area)</li><li>• Filing false reports or accusations</li><li>• Lying to or giving misleading information to school staff</li><li>• Minor vandalism/defacement (writing on furniture or walls)</li></ul> |
| <b>Range of Consequences:</b> Conference with an administrator, communication with parent/guardian, community/financial restitution, public apology, detention, focus group, success plan, mediation, community/financial restitution, restorative practices, referral, In School Suspension, and community removal (Student Life Programming Only)  |
| <b>Staff Oversight:</b> Dean of Students, Principal, Assistant Principal, Directors of Student Life, and Overnight/Morning Student Life Manager  |
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| <b>Level IV: Behavior Infractions:</b>   |
| <ul style="list-style-type: none"><li>• Fighting or assault or battery of any kind</li></ul>   |



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| <ul style="list-style-type: none"><li>• Bullying/Harassment of any kind (verbal, physical, sexual, hazing, cyber bullying, etc.), including retaliation against anyone who reports or participates in an investigation of bullying/harassment (See “Bullying/Harassment Policy.”)</li><li>• Knowledge of or involvement in arson</li><li>• Being off campus without permission</li><li>• Inappropriate sexual conduct (fondling of genitalia, engaging in any form of sexual relations)</li><li>• Possession or distribution of prescription medication</li><li>• Verbal, written or physical threats towards staff, school or peer</li><li>• Excessive horseplay (cause emotional distress or injury)</li><li>• Repeated pattern of violating Level III</li></ul> |
| <b>Range of Consequences:</b> Referral, In School/Out of School suspension <sup>1</sup> , community removal (Student Life Programming Only) mediation, community/financial restitution, restorative practices, Discipline Review Meeting (resulting in possible Dismissal), Scholar Conduct Agreement Student Life   |
| <b>Staff Oversight:</b> Dean of Students, Principal, Assistant Principal, Directors of Student Life, and Overnight/Morning Student Life Manager  |
| <b>Level V: Behavior Infractions:</b>  |
| <ul style="list-style-type: none"><li>• Possession or use of a weapon, including but not limited to the following: air rifle, starter/pellet pistol, knife, gun, lighter, explosive devices, or any weapon that can be used to inflict serious bodily harm. Arson</li><li>• Possession, sale, distribution, or use of alcohol, drugs, controlled substances, or drug paraphernalia (See “Scholar Tobacco, Drug, and Alcohol Use Policy.”)</li><li>• Documentation of a repeated pattern of violating Level IV</li></ul>  |
| <b>Range of Consequences:</b> Referral, Out of School Suspension, Community Removal (Student Life Programming Only), Discipline Review Meeting and consideration for Dismissal   |

<sup>1</sup>. Students in grades 9 through 12 will not be suspended for violation of dress code or uniform rules, willful defiance, or behavior that occurs off school grounds and is not part of a school-sponsored activity unless the student willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.



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**Staff Oversight:** Dean of Students, Principal, Assistant Principal, Directors of Student Life, and Overnight/Morning Student Life Manager

This policy applies to all scholars at all times in all settings, including but not limited to, school buildings, on school property and grounds, in school-owned vehicles, and at school-sponsored events regardless of location.

Infractions involving the possession of a gun will result in dismissal from SEED DC in accordance with The Gun-Free Schools Act of 1994.

SEED DC may have to report Level IV and Level V incidents to various authorities (including but not limited to the DC Metropolitan Police Department, Colleges and Universities, and the District of Columbia Public Charter School Board) when the infraction is illegal and/or causes substantial harm to self or others.

### **Disciplinary Responses**

Administrative responses are reserved for the most serious behavior infractions (**Level III, Level IV and Level V**). SEED DC provides a variety of instructional and restorative practices during the academic day and boarding program to motivate scholars, as well as, to teach scholars that appropriate behaviors represent the most efficient and effective means for attaining their goals.

Disciplinary responses for all levels of behavior may be assigned only after consideration of all factors involved as outlined, and after consideration of prevention, intervention, and remediation responses.

Disciplinary responses for scholars with disabilities shall be imposed in compliance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973.

### **Range of Consequences: Terms and Definitions**

**Referral:** A documented report prepared by a staff member and a scholar for a Level IV or Level V behavior. Both scholars and staff are required to complete an Incident Report.

**In School Suspension:** In school suspension maybe assigned for Level III and IV behavior infractions for either a part of a school day or an entire school day. If a scholar is assigned in school suspension, he or she will remain in a classroom in the academic building with an assigned staff member. During the time that scholars are serving in school suspension, they will have access to their school work, a



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staff member to ask questions, and scholars who receive special education or 504 related services will continue to receive these services during the period of the in school suspension.

### **Out of School Suspension<sup>2</sup> and Dismissal Process**

#### **Out-of-school Suspension (OSS) – Short Term (5 days or less)**

The Dean of Students, Principal, Assistant Principal, and/or Directors of Student Life (administrators) may make referrals for short term out of school suspensions. Before a student is assigned to OSS, he/she will be given a chance to meet with the administrator to discuss the behavior and tell his/her side of the story. During this meeting, the administrator will share with the student what the behavior of concern is and the information that the school has to believe the behavior occurred. The student will then be given a chance to share their side of the story and/or explain the behavior. If the student is assigned to OSS, the administrator will notify the student and parent(s) in writing of the reason for and length of the suspension.

If the student's continued presence at school poses an immediate and continuing danger to other students or school staff, the administrator may suspend the student for the rest of that day and the following day without meeting with the student. However, before any further suspension is issued, the administrator will meet with the student as outlined below. This meeting could occur by phone if the student's presence at school poses a continuing danger to other students or school staff.

Students who are suspended are not permitted on school grounds and can't attend school-related activities or events for the duration of their suspension.

#### **Out-of-school Suspension (OSS) – Long Term (6 days or more)**

The Dean of Students, Principal, Assistant Principal, and/or Directors of Student Life (administrators) may make a recommendation for long-term suspension. The Head of School (or other designated administrator) makes the final decision after a disciplinary hearing is held

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<sup>2</sup> Students will not be suspended for more than 10 school days per infraction. Students will not be suspended for more than 20 school days in a school year unless:

- the student is facing expulsion;
- the Head of School provides written justification to the student and parent(s) explaining why more than 20 days is a more appropriate disciplinary action than another type of action; or
- the Head of School provides written justification the student and parent(s) explaining why the conduct necessitated an emergency removal.



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with the student and parent(s). Once a recommendation for long-term suspension is made, the student will be suspended pending a hearing.

Before the administrator makes a recommendation for long-term suspension, he/she will meet with the student to discuss the behavior and give the student an opportunity to tell his/her side of the story. During this meeting, the administrator will share with the student what the behavior of concern is and the information that the school has to believe the behavior occurred. The student will then be given a chance to share their side of the story and/or explain the behavior.

If the student's continued presence at school poses an immediate and continuing danger to other students or school staff, the administrator may suspend the student for the rest of that day and the following day without meeting with the student. However, before any further suspension is issued, the administrator will meet with the student as outlined below. This meeting could occur by phone if the student's presence at school poses a continuing danger to other students or school staff.

If necessary, the administrator will investigate the circumstances of the behavior and the student's explanation. The investigation will be completed within three days of the incident or within three days of when the school was notified of the incident. If appropriate, the administrator may issue a short-term suspension pending the investigation.

If long-term suspension is recommended, the administrator will notify the student and parent(s) in writing of the reason for and length of the recommended suspension. This notice will include information about the basis for the recommendation, the information that the school has to support the recommendation, and the disciplinary hearing process. A disciplinary hearing, known as the Discipline Review Meeting (DRM), will be held within 5 school days of the date that the recommendation for long-term suspension is issued. Extensions of this deadline may be made on a case-by-case basis if necessary.

The Head of School will preside over the DRM. At the DRM, the administrator will share the information relied on to support the recommendation for long-term suspension. The student and parent(s) will be given an opportunity to fully respond to the information shared by the administrator and to present any additional information that they want the Head of School to consider. The student may be represented by an attorney.

The Head of School will notify the student and parent(s) in writing of the final determination on the next school day following the hearing.





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Students who are suspended are not permitted on school grounds and can't attend school-related activities or events for the duration of their suspension.

### **Expulsion**

The administrator may make a recommendation for expulsion. The Head of School makes the final decision after a disciplinary hearing is held with the student and parent(s). Once a recommendation for expulsion is made, the student will be suspended pending a hearing.

Before the administrator makes a recommendation for expulsion, he will meet with the student to discuss the behavior and give the student an opportunity to tell his/her side of the story. During this meeting, the administrator will share with the student what the behavior of concern is and the information that the school has to believe the behavior occurred. The student will then be given a chance to share their side of the story and/or explain the behavior.

If the student's continued presence at school poses an immediate and continuing danger to other students or school staff, the administrator may suspend the student for the rest of that day and the following day without meeting with the student. However, before a recommendation for expulsion is issued, the administrator will meet with the student as outlined below. This meeting could occur by phone if the student's presence at school poses a continuing danger to other students or school staff.

If necessary, the administrator will investigate the circumstances of the behavior and the student's explanation. The investigation will be completed within three days of the incident or within three days of when the school was notified of the incident. If appropriate, the administrator may issue a short-term suspension pending the investigation.

If expulsion is recommended, the administrator will notify the student and parent(s) in writing of the reason for the recommended expulsion. This notice will include information about the basis for the recommendation, the information that the school has to support the recommendation, and the disciplinary hearing process. A discipline review meeting (DRM) will be held within 5 school days of the date that the recommendation for expulsion is issued. Extensions of this deadline may be made on a case-by-case basis if necessary.

The Head of School will preside over the DRM. At the DRM, the administrator will share the information relied on to support the recommendation for expulsion. The student and parent(s) will be given an opportunity to fully respond to the information shared by the administrator and to present any additional information that they want the Head of School to consider. The student may be represented by an attorney.



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The Head of School will notify the student and parent(s) in writing of the final determination on the next school day following the hearing.

Students who are expelled are not permitted on school grounds and can't attend school-related activities or events for the duration of their expulsion.

**Parent/Guardian Appeal Process for Disciplinary Actions**

1. If a parent/guardian disagrees with any of SEED DC's disciplinary responses or the outcome of a Discipline Review Meeting, a parent/guardian can appeal either in writing, or by contacting the Executive Assistant to the Head of School via email [hos@seedschooldc.org](mailto:hos@seedschooldc.org) or by phone at (202) 248-3007 within 48 hours of the Discipline Review Meeting to request a meeting with the Head of School.
2. Once the appeal meeting is scheduled all relevant documentation, including but not limited to scholar's behavior record, academic record, referrals and the parent's letter stating their specific concerns, will be forwarded and reviewed by the Head of School or the designee.
3. You will be contacted within 48 hours following your appeal meeting by The Office of the Head of School with the final determination and reason for that determination.
4. Parents/Guardians who are not satisfied with this determination may appeal to SEED DC's Chair of the Board, Desa Sealy, at [desasealy@gmail.com](mailto:desasealy@gmail.com). This appeal must be made in writing within 5 calendar days of the final determination by the Head of School.
5. Should any parent/guardian elect **not** to call the office of the Head of School to schedule an Appeal Meeting within 48 hours of the decision to dismiss, the decision to dismiss will be upheld by the Head of School.

Scholar suspensions are documented and maintained in SEED DC's Student Information System – PowerSchool for all scholars. If requested, a high school scholar's behavioral record may be forwarded as part of the transfer of records and/or the college application and admissions process.

By request, parents are permitted to have a copy of the incident reports written by their own child, with redacted information (to protect the privacy of other scholars), and by the school nurse.



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**Students with Disabilities**

SEED DC abides by IDEA requirements regulating disciplinary actions against scholars with disabilities.

**Removal for 10 or fewer school days in a school year**

Scholars in special education can be suspended for up to 10 consecutive or cumulative school days in a year to the same extent that suspension is used for general education scholars. The school is not required to provide services for the first 10 days in a school year that the scholar is suspended

**Removal for more than 10 cumulative school days when the scholar's behavior does not represent a pattern**

No manifestation determination is required when a scholar is suspended for more than 10 school days in a school year and the series of suspensions does not constitute a pattern. However, scholars who are suspended for more than 10 school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals. Scholars who are suspended for more than 10 days in a school year must also receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications to address the behavior violation so that it does not recur.

**Removal for more than 10 consecutive school days or 10 cumulative schools days when the behavior represents a pattern**

Disciplinary action that results in a scholar being suspended for more than 10 consecutive school days or 10 cumulative school days in a year where the series of suspensions constitute a pattern result in a disciplinary change in placement. A disciplinary change in placement requires a manifestation determination to be made by the IEP team.

The following is required under these circumstances:

- A) Parent Notification- the parent/ guardian must be notified of the disciplinary action to be taken and informed of the procedural safeguards on the day the decision to take disciplinary action was made.
- B) Manifestation Determination - an IEP team meeting must be convened within 10 school days to determine whether the scholar's behavior was a manifestation of his/her disability.



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- C) Review of Behavior Intervention Plan- at the manifestation determination meeting, the IEP team must also conduct a functional behavior assessment, unless one has already been conducted, and develop a behavior intervention plan for the scholar or review the scholar's current behavior intervention plan and modify it as necessary.

Scholars who are suspended for more than 10 school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.

**A manifestation determination meeting reviews the relationship between the scholar's disability and the scholar's behavior that is subject to the disciplinary action.**

If it is determined that the scholar's behavior was a manifestation of his or her disability, then the scholar must return to SEED DC unless the parent and SEED DC agree otherwise. There are special circumstances where a scholar with a disability can be removed from SEED DC for up to 45 school days without regard to whether the scholar's behavior was determined to be a manifestation of his/her disability: possession of a weapon at school on school premises or during a school function; possession or use of an illegal drug at school on school premises or during a school function; infliction of serious bodily injury at school on school premises or during a school function. At any time the IEP team, with parent consent, may change the scholar's placement.

If it is determined that the scholar's behavior was not a manifestation of the scholar's disability, the same disciplinary procedures applicable to a scholar without a disability, including long-term suspension or expulsion may be applied to the scholar with a disability. Scholars who are suspended for more than 10 school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.

**Hearing officer**

If maintaining a scholar with a disability in his or her current placement would prove harmful to the scholar or to others, the school can request a hearing officer to order placement in an alternative setting for up to 45 days. In this case, the school is required to provide services for a scholar with a disability so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.



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## **BULLYING/HARASSMENT POLICY**

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SEED DC is committed to creating a safe, caring, respectful learning environment for all scholars. We will treat all members of our community with civility and respect. Our school strictly enforces a prohibition against bullying or harassment of any scholars or staff. In collaboration with teachers and administrators, the school has developed and will implement a plan for education and discipline, including curriculum, to prevent bullying and harassment and to help adults and scholars to respond effectively to reports and observations of bullying or harassment.

This policy is intended to (1) prevent bullying/harassment and cyber-bullying among our scholars, (2) to encourage scholars and their parents to have confidence in the school's policies and procedures and to come forward promptly whenever a scholar is subject to conduct that is prohibited by this or any other school policy, and (3) to implement appropriate discipline and other corrective measures when they are found to be warranted.

### **Definitions**

*Bullying:* Has been defined by the Youth Bullying Prevention Act of 2012 (YBPA) as any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:

- A. May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
- B. Shall be reasonably predicted to:
  - 1. Place the youth in reasonable fear of physical harm to his or her person or property;
  - 2. Cause a substantial detrimental effect on the youth's physical or mental health;
  - 3. Substantially interfere with the youth's academic performance or attendance; or
  - 4. Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

*Harassment:* Behavior that creates a hostile environment for the victim at school.

*Cyber Bullying:* Bullying through the use of technology or electronic devices such as a telephone, cell phone, computer, or the Internet. It includes, but is not limited to, email, instant



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message, text message, or Internet posting, whether on a webpage, social media application in a blog or elsewhere.

*Hostile Environment:* Bullying/harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a scholar's ability to participate in or benefit from the services, activities, or opportunities offered by a school.

*Retaliation:* Any form of intimidation, reprisal, or harassment directed against a scholar who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

**Bullying/Harassment Prohibited**

Bullying/harassment is prohibited on school grounds, property immediately adjacent to school grounds, at school sponsored or school-related activities, functions or programs whether on or off school grounds, on or off school bus or other vehicles owned, leased or used by the school, or through the use of technology or an electronic device owned, leased or used by the school.

Bullying/harassment is also prohibited at a location, activity, function or program that is not school related through the use of technology or an electronic device that is not owned, leased or used by the school, if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school or materially and substantially disrupt the education process or the orderly operation of a school. Retaliation against a youth, volunteer or staff member who reports bullying/harassment, provides information about an act of bullying/harassment, or witnesses an act of bullying/harassment is also prohibited.

Administrators will make expectations clear to scholars and staff that bullying/harassment will not be tolerated and will be the grounds for disciplinary action up to and including suspension and dismissal for scholars.

The school will promptly and reasonably investigate all allegations of bullying/harassment.

The Assistant Head of School will be responsible for handling all complaints and investigations of bullying/harassment.

**Reporting Bullying**

All staff members are required to report any bullying or harassment they witness or are made aware of on a Staff Incident Report and/or Referral. Staff members should immediately record all such incidents in accordance with school procedures for reporting behavior incidents and notify the Dean of Students or other administrator on duty.



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Any scholar who believes that they have been the target of bullying/harassment or who is aware of bullying/harassment is strongly encouraged to promptly report the matter orally or in writing to a Dean of Students, or to any other staff member or member of SEED DC with whom the scholar is comfortable speaking. Also, any scholar who is subject to retaliation in violation of this policy or who knows of another scholar who has been subject to retaliation is urged to report it as soon as possible.

A parent who witnesses or becomes aware of bullying/harassment is strongly urged to promptly notify one of the school deans. A parent should also report any incident of retaliation in violation of this policy to a school dean.

**Anonymous Reporting**

Reports may be made anonymously, although no formal response will be taken solely on the basis of an anonymous report. However, such a report may trigger an investigation.

**Investigation of Incidents of Bullying/Harassment or Retaliation**

If an incident of bullying, harassment or retaliation is reported, the Assistant Head of School will respond quickly and appropriately to investigate and intervene. Verbal or written complaints or reports of bullying/harassment will be investigated in an adequate, reliable, and impartial manner. Each investigation will include, as necessary, interviewing individuals involved and reviewing all relevant information including but not limited to social media posts, written messages or notes, video footage, and written scholar statements. All documentation related to the investigation will remain confidential. SEED DC will take steps to ensure the safety of all parties involved and determine whether the incident was one of bullying/harassment. SEED DC will also take steps to provide the complainant with periodic updates on the status of the investigation. Once bullying/harassment behavior has been determined, the following groups will be notified as needed by SEED DC, making every effort to protect the confidentiality of those who report bullying/harassment:

- **Parents and Guardians:** SEED DC will notify the parents or guardians of victims, instigators, and witnesses as appropriate, about the nature of the incident and the steps in place to respond to it. The Assistant Head of School will determine if parents or guardians should be informed prior to or after the investigation of the incident.
- **Law Enforcement Agencies:** If SEED DC determines that the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement agencies.



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Investigations will be initiated within two (2) business days of receiving the complaint. During that time, the Assistant Head of School will also take the following steps:

- Create a written record of the complaint, which will also be included in the final determination letter;
- Take appropriate action to protect, to the extent possible, the safety of the alleged target, which may include contacting relevant parties, intercepting the target or alleged perpetrator if information is received regarding a pending act of bullying or retaliation, and ascertaining the presence of teachers or other employees at a location that has been identified as the site of a pending act of bullying or retaliation;
- Inform the target, alleged perpetrator, and if applicable, witnesses, of the alleged incident and of the initiation of the investigation;
- Make a good-faith attempt to inform the parents or guardians of the target about the alleged incident and any planned investigation, if the target is less than eighteen (18) years of age and if the contact information for the parents or guardians is available or can be requested. If the Assistant Head of School determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of the target, the Assistant Head of School shall document facts giving rise to such determination, and document the decision not to inform in writing;
- Make a good-faith attempt to inform the parents or guardians of the alleged perpetrator about the alleged incident and any planned investigation, if the alleged perpetrator is less than eighteen (18) years of age. If the Assistant Head of School determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of, alleged perpetrator, as the case may be, the Assistant Head of School shall document facts giving rise to such determination, and document the decision not to inform in writing; and
- Take into account whether the individuals involved have disabilities and whether there are resulting protections or considerations that must be included in the investigation.

Within ten (10) school days of receiving a report of bullying, the Assistant Head of School will conduct the investigation and respond to the parents of the scholars involved in writing, summarizing the course and outcome of the investigation and identifying an appropriate resolution. The written determination will also include the following:

- A description of the incident(s) including the names of individuals involved and behaviors alleged, location of occurrence(s) and whether or not bullying occurred;





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- Whether the incident was based on a trait that is covered in the Human Rights Act (as listed in the definition of bullying); and
- The actions that were taken as a result of the findings.

If it is determined that bullying/harassment has occurred, appropriate corrective and remedial action will be taken. SEED DC will make determinations as to whether a reported incident constitutes bullying/harassment based on all of the facts and circumstances surrounding the incident. SEED DC will use a preponderance of the evidence standard (i.e., more likely than not that bullying/harassment occurred) when resolving complaints.

Steps will be taken as necessary to protect suspected victims of bullying/harassment during the course of the investigation process. SEED DC will make every effort to protect confidentiality during the course of the investigation. However, if the Assistant Head of School learns during the course of the investigation that the reported incident involves criminal activity, the Assistant Head of School shall communicate such information to the Head of School. If the reported incident or statements during the investigation indicate credible and imminent threat of harm or criminal activity, the Assistant Head of School shall immediately report such information to the appropriate law enforcement authorities and to the Head of School. The individual responsible for conducting the investigation will be responsible for making determinations about confidentiality.

SEED will take steps to provide the complainant and accused with periodic updates on the status of the investigation. Once a determination has been made, SEED will notify the complainant and accused about the outcome of the investigation, the results of any school disciplinary proceeding that results and the appeal process. The Assistant Head of School will determine if parents or guardians should be informed prior to or after the investigation of the incident.

### **Appeals**

Any party who not satisfied with the outcome of the initial investigation and response from SEED DC may appeal in writing to the Head of School. Appeals must be made within 30 days of the conclusion of the initial investigation. The secondary investigation shall be completed within 30 days of receipt of an appeal unless: (1) circumstances require additional time to complete a thorough investigation; (2) the higher-level authority sets forth those circumstances in writing; (3) the additional time is not to exceed 15 days. The party not satisfied with the outcome shall be informed of his/her right to seek further redress under the Human Rights Act.

### **Sanctions and Remedies for Bullying/Harassment**



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SEED DC takes a tiered approach to respond to inappropriate behavior. The same approach will be taken when responding to bullying/harassment. SEED DC's levels of discipline are designed to (a) appropriately correct the bullying/harassment behavior; (b) prevent another occurrence of bullying/harassment or retaliation; (c) protect the target of bullying/harassment; and are flexible and can be varied in method and severity based on: (i) nature of the incident; (ii) developmental age of the person committing the act at issue, and; (iii) any history of problem behavior from the person committing the act at issue. The School Dean may apply more than one consequence, or skip a step, depending on the severity and nature of the violation.

Scholars engaged in bullying /harassment will be suspended 1 day for the first referral and two (2) days for the second referral. A Step I Reflection Meeting will be scheduled to reflect on behavior with parents and scholars to determine what remedial action is appropriate and how it will be implemented. The goal is to correct the situation to the extent it is reasonably possible, to take such steps as can be taken to prevent there being a repetition of the incident, and to prevent the scholar or scholars targeted and others who participated in the investigation from being subject to retaliation. If this same scholar receives a third referral for bullying/harassment, he/she will be automatically suspended for three (3) days and a Step 2 Discipline Review Meeting with SEED DC Administrators will be scheduled. The purpose of this meeting is to determine whether a scholar is dismissed from SEED DC or if the scholar may return to SEED DC programming.

### **Bystander Policy**

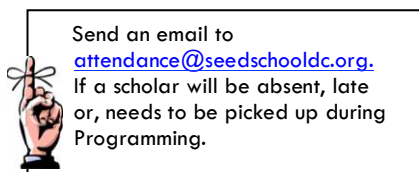
Scholars are expected to report rumors of bullying/harassment, planned bullying/harassment, as well as bullying/harassment actually observed. Scholars who watch and laugh, but do not report what they have witnessed, are considered bystanders and will be treated as participants. SEED DC defines bystanders as those who observe or have knowledge of, a level III, IV, or V without alerting or seeking support from a school staff member. This may include instances of bullying/harassment, fighting, theft, or arson.

### **ATTENDANCE POLICY**

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SEED DC has high expectations for scholar attendance so that our mission can be realized. Our goal is to ensure every scholar achieves academic success by being present and on time at school during all program hours. Scholars who have regular school attendance learn more and are more successful in school.

We understand that some absences are unavoidable. If your child is going to be absent from or late to school, please send an email to [attendance@seedschooldc.org](mailto:attendance@seedschooldc.org) or





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call (202) 248-7773 x5127.

**Excused vs. Unexcused Absences**

Absences from school are divided into two categories: excused and unexcused. Excused absences are when scholars are absent from school with a valid excuse and parental approval. Valid reasons for excused absences are:

1. Illness of the scholar. A doctor's note is required if a scholar is absent three or more consecutive days. (See "Medical Leave Policy.");
2. A death in the scholar's immediate family;
3. Pre-approved college visit or involvement in a SEED DC approved external opportunity;
4. Exclusion, by direction of school officials, due to quarantine, contagious diseases, or other medical/health reasons;
5. Necessity for a scholar to attend any judicial proceeding as a plaintiff, defendant, witness, or juror;
6. Observance of religious holidays;
7. Lawful suspension or exclusion from school by school authorities;
8. Temporary closing of facilities by school officials, including but not limited to severe weather, unsafe conditions, or other emergencies;
9. Medical and dental appointments with a doctor's note;
10. Emergency circumstances approved by SEED DC; and
11. Absences to allow scholars to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment.

**What is an unexcused absence?**

Any absence that does not fall into one of the excused categories listed above or any absence where the parent or guardian does not provide a valid excuse within five school days.

**Truancy**

Truancy is chronic absenteeism from school. If a scholar accrues absences in any of the following ways he or she will be considered truant and referred to DC Child and Family Services Agency (CFSA), if 13 years or younger, the Office of the Attorney General for the District of Columbia (OAG), if 14 years or older, and/or the Office of the State Superintendent of Education (OSSE):

1. 3 absences: Letter of notification and phone call
2. 5 absences: Will begin the SST process to include: Letter of notification, phone call, attendance meeting,
3. 10 unexcused absences – Scholar ages **5-13 - Report Made to CFSA**



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4. 15 unexcused absences – Scholar ages **14-17 - Report Made to OAG**
5. Any time educational neglect is suspected – Mandated Report Made

According to the Office of The State Superintendent of Education after the 1<sup>st</sup> unexcused absence schools must contact the parent the same day and request documentation.

Students with 20 or more absences (class or daily) may be required to attend an intercession, after the conclusion of school, to fulfill missing seat hours and/or assignments.

After the 5<sup>th</sup> unexcused absence Schools must refer the scholar to a school-based scholar support team (SST) within two school days. The SST team will:

- Make reasonable and diligent efforts to communicate and collaborate with the scholar's parent or guardian;
- Review and address the scholar's attendance and determine the underlying cause for the unexcused absences;
- Communicate and collaborate with the scholar's existing individualized education program (IEP) team, if applicable;
- Provide timely response to the scholar's truant behavior;
- Make recommendations for academic, diagnostic, or social work services;
- Use school and community resources to improve the scholar's attendance including referral to a community-based organization when available; and
- Develop and implement an action plan in consultation with the scholar and scholar's parent or guardian.

If a scholar accumulates 10 or more full day unexcused absences, schools are required by law to begin notifying other agencies. After the 10<sup>th</sup> full day unexcused absence for any child age 5-17, schools are required to notify OSSE. Other specific requirements depend on the child's age.

Children Ages 5-13:

Within two school days of your child's **10<sup>th</sup> full day** unexcused absence the school must submit a referral to the DC Child and Family Services Agency (CFSA) for suspected educational neglect.

CFSA receives and investigates reports of abuse and neglect of District young people age 17 and younger, including reports of educational neglect. They will assign a social worker from CFSA Child Protective Services (CPS) to investigate, usually within 24 hours of getting the report. The social worker's job is to find out whether the report of abuse or neglect is true or false. The



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social worker also decides whether CFSA or a community organization should continue helping your family.

Children Ages 14-17

Within two school days of your child's **15<sup>th</sup> full day** unexcused absence the school must submit a referral to the Court Social Services Division (SCCD) of the Superior Court of the District of Columbia and the Juvenile Division of the Office of the Attorney General (OAG). Once a referral has been submitted:

- Scholars may be referred to the director of court social services for prosecution, diversion, and community-based interventions.
- Parents/Guardians and scholars may be assigned community service and placed under court supervision/probation.
- Truancy charges may be filed against the scholar alleging that the scholar is a "Person in Need of Supervision."
- Parents may be convicted of violating the compulsory school attendance law and face fines and incarceration.

Please note the following consequences for absences:

- Any scholar who has missed 20 or more consecutive days without an excuse may be dropped from SEED DC enrollment:
  - a) After three documented attempts to contact the family to no avail, or
  - b) If a family does not comply and partner with SEED DC on an established agreement to improve attendance.
- At the discretion of SEED DC, a scholar who is absent from a course 10 or more times without an excuse may receive a failing grade and no credit for the course.
- A scholar cannot be cleared for graduation if they have 20+ absences without a note justifying how a scholar is able to graduate with an excessive number of missing days.
- A scholar who has over 25 absences (excused or unexcused) for a given school year may not be promoted to the next grade.
- Sunday check-in is required in order to prepare scholars for a successful week. It is the parent's responsibility to ensure that their scholar is present and prepared for the week with uniforms and school materials. Parents/guardians will be contacted if there are consistent concerns regarding Sunday check-in. (Is this still a requirement?) If so, the information is correct.






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### Early Dismissals and Planned Absences

In the rare event a scholar needs to leave campus during the school week and will miss any part of the school programming (academic or Student Life), including Sunday check-in, parents/guardians should send an email to [attendance@seedschooldc.org](mailto:attendance@seedschooldc.org). The email should include:

1. Scholar's name
2. Date(s) of absences
3. Date and time of pick-up and drop off
4. Name of adult who will pick up the scholar (proof of identification will be required)
5. If student is departing on their own, please indicate the mode of travel
6. Reason for absence/appointment

|   |  |
|---|--|
|    | Absent for 3 or more days?<br>Please contact the Registrar at<br>(202) 248-7773 x5127.             |
|    | Don't forget to collect your<br>work from your teachers in<br>advance for all planned<br>absences. |
|  | For additional information,<br>please refer to the "Late<br>Work Policy" section.                  |

Please note that communication regarding absences must be submitted in written form by a parent/guardian on file. SEED DC will not allow a scholar to leave campus without prior written communication from a parent/guardian on file. Scholars must be signed out at the front desk in the lobby for early dismissal and signed in when returning to campus. All written communication should be sent to: [attendance@seedschooldc.org](mailto:attendance@seedschooldc.org) and should include the time the student will depart and return, mode of transportation, and contact information for an adult authorized to pick the student up. This includes transportation via metro, Uber, Lyft, or riding with other families. Staff may be directed to conduct a follow up phone call, to confirm details or ask clarifying questions.

### Graduating Seniors

Any senior who has 10 or more absences is at-risk for not earning credit for their course. Per the DC PCSB, scholars cannot be cleared for graduation if they have 20 or more absences without documentation justifying how a scholar is able to graduate with an excessive number of missing days.

No credit for a course is equivalent to failing a course, which puts you at-risk for not meeting graduation requirements.

If you don't meet graduation requirements the charter board will not sign your diploma.

If the charter board doesn't sign your diploma you have not graduated.



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When a scholar returns to campus following a medical visit, a signed medical note must be presented to the receptionist stating the reason for the absence.

**Absences and Missed Assignments**

Scholars are expected to collect and to complete all class assignments and homework following an absence from class unless otherwise determined by the teacher. Scholars should work with their teachers to complete late work. (See “Late Work Policy.”)

If a scholar has a disciplinary issue that result in them missing any days from school, SEED DC will provide schoolwork for the missing day(s) (See “Scholar Code of Conduct” section). The school will work with parents/guardians to ensure scholars receive make up assignments from teachers. Parents/guardians may contact the Academic Office at (202) 248-7773 ext. 5024 regarding make up work for disciplinary absences.

**Planned Absences From School: Leaving and Returning to Campus**

Our goal is to have all of our scholars present and in class so that we can best realize our mission. There are instances, however, when off campus appointments are necessary. If a scholar must leave campus during the school week, parents/guardians should follow the following steps:

1. Send an email to [attendance@seedschooldc.org](mailto:attendance@seedschooldc.org) stating the scholar’s name and reason for absence/appointment, or call the school at (202) 249-7773. Whenever possible, please notify SEED DC at least 48 hours in advance of planned absences.
2. If a scholar is going to miss part of the Student Life program, including Sunday check-in, send an email to [attendance@seedschooldc.org](mailto:attendance@seedschooldc.org) or call (202) 249-1937 between 5:00 p.m. and 7:00 p.m.
3. Parents, guardians, and authorized adult designees must sign scholars out at the front desk in the lobby when taking them off campus and sign scholars in when returning to campus.
4. When returning a scholar to campus following a medical appointment, a signed medical note must first be presented to the nurse and Registrar stating the reason for the absence. (See “Medical Leave Policy.”)
5. Scholars using taxi, Uber, or other car services: Parents must contact the school by email to [attendance@seedschooldc.org](mailto:attendance@seedschooldc.org), or, written note, to arrange taxi or car service pick up with parent authorization. Staff may be required to make follow up phone calls to confirm information.



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## **PARENT/GUARDIAN GRIEVANCE PROCEDURE**

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SEED DC has the obligation to ensure that the behavior and conduct of employees are acceptable and conducive to learning. Concerns and complaints will not be ignored. Conflicts or complaints should be resolved directly with the employee whenever possible. All cases, concerns, or complaints will be reviewed and addressed by the employee's supervisor. A resolution does not always mean that a final decision has to be sanctioned or approved by the parent/guardian or employee.

When issues of concern fail to be resolved, the parent should complete a *Parent Grievance Form* located in the Office of Family & Community Engagement. This form allows the parent/guardian an opportunity to identify the facts and submit the complaint to facilitate resolution. This form should be submitted to the Director of Family & Community Engagement. The Director will process the grievance form and is obligated to begin a process of seeking resolution within two business days.

Parents/Guardians who are not satisfied with this determination may appeal to SEED DC's Chair of the Board, Desa Sealy, at [desasealy@gmail.com](mailto:desasealy@gmail.com). This appeal must be made in writing within 5 calendar days of the final determination.

## **EMPLOYEE GRIEVANCE PROCEDURE**

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To secure a working and positive partnership with teachers, appropriate name, administrators, support staff, etc., a form is available for any employee to complete when that individual has experienced a personal violation by any parent/guardian, scholar relative, or visitor. Should any employee of SEED DC experience what is construed as a verbal or physical abuse, threat or violation of said person, which may endanger his/her well-being or is considered to be harassing, confrontational, or of unprofessional behavior, he/she may complete an Employee Grievance Form. This will be submitted to the employee's supervisor or Human Resources Manager for review.

As a result of this review, an investigation may be conducted for determining if any action is necessary or if consequences should be imposed. See "Responsibility to Adhere to Policies" for parent/guardian behavior review process and consequences.

## **NONDISCRIMINATION POLICY**

### **General Statement of Policy**

In accordance with Title VI of the Civil Rights Act of 1964 ("Title VI"), Title IX of the Education Amendments of 1972 ("Title IX"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Age Discrimination Act of





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1975 (“The Age Act”), and the DC Human Rights Act applicants for admission, scholars, parents, sources of referral of applicants for admission, and all unions or professional organizations holding collective bargaining or professional agreements with SEED DC are hereby notified that SEED DC does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, or disability of any individual in admission or access to, or treatment in, its programs and activities.

Scholars, parents, and/or guardians having inquiries concerning SEED DC’s compliance with Section 504, ADA, Title VI, Title IX, the Age Act, and/or the DC Human Rights Act as they apply to **scholars and parents** or who wish to file a complaint regarding such compliance should contact:

Director of Student Support Services  
4300 C Street SE  
Washington, DC 20019  
(202) 248-3007  
[swallace@seedschooldc.org](mailto:swallace@seedschooldc.org)

**Grievance Procedure for Reporting Complaints of Discrimination**

Any person who believes that SEED DC has violated the regulations of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Title VI, Title IX, the Age Act, and/or the DC Human Rights Act may submit a complaint involving scholars who attend SEED DC to the individual designated below:

Director of Student Support Services  
4300 C Street SE  
Washington, DC 20019  
(202) 248-3007  
[swallace@seedschooldc.org](mailto:swallace@seedschooldc.org)

The grievance procedures outlined below establish how complaints will be investigated and resolved. These grievance procedures are intended to provide prompt and equitable resolution of complaints. They do not bar individuals from filing claims in other forums to the extent permitted by state or federal law.

SEED DC encourages individuals to discuss their concern with the appropriate school official before resorting to a formal complaint. However, individuals are not required to do so before filing a formal complaint.



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SEED DC prohibits retaliation against individuals who file a complaint or participate in a complaint investigation.

A formal complaint may be filed by following the steps outlined below:

**Step 1:** Within 90 days of the alleged discrimination or harassment, written notice of the complaint must be filed with the individual designated above. If the complaint is being made against the designated individual above, the complaint can be submitted directly to the Head of School. The written notice must include the nature of the complaint, the date(s) of the occurrence, the desired result, and must be signed and dated by the person making the complaint.

Upon receipt of the written notice of the complaint, the designated individual to whom the complaint was submitted will immediately initiate an impartial investigation of the complaint. Each investigation will include, as necessary, interviewing witnesses, obtaining documents, and allowing parties to present evidence. All documentation related to the investigation will remain confidential.

Within thirty (30) business days of receiving the written notice of the complaint, the individual investigating the complaint will respond in writing to the complainant. The response will summarize the course and outcome of the investigation, and identify an appropriate resolution. If, as a result of the investigation, it is determined that discrimination has occurred, appropriate corrective and remedial action will be taken.

**Step 2:** If the complainant wishes to appeal the decision from Step 1, s/he may submit a signed statement of appeal to the Head of School, within ten (10) business days after receipt of the response. The Head of School can be contacted at (202) 248-3007 (P), (202) 204-5766 (F), [hos@seedschooldc.org](mailto:hos@seedschooldc.org) or by mail at 4300 C Street SE, Washington, DC 20019. The Head of School will review all relevant information and meet with the parties involved as necessary. Within twenty-one (21) business days of receiving the statement of appeal, the Head of School will respond in writing to the complainant summarizing the outcome of the appeal and any corrective or remedial action to be taken.

**Step 3:** If the complainant is not satisfied with the decision of the Head of School s/he may appeal through a signed written statement to the School Board of Trustees within ten (10) business days of the receipt of the Head of School's response. A statement of appeal to the Board may be submitted to the Chair of the Board at [desasealy@gmail.com](mailto:desasealy@gmail.com), who will provide the statement to the Board. In an attempt to resolve the grievance, the Board shall review all relevant information and meet with the concerned parties and their representatives within



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thirty (30) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within fifteen (15) business days of this meeting.

The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance process. The regional office for the District of Columbia is located at 200 Independence Avenue SW and can be reached at (200) 368-1019 (P), (215) 861-4431 (F), (800) 537-7697 (TDD).

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

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The Family Educational Rights and Privacy Act ("FERPA"), is a federal statute that protects the privacy of scholar education records. FERPA affords parents (and scholars over the age of 18) the right to have access to education records, the right to request amendment of those records, and the right to consent to the disclosure of those records.

#### **Objectives of the Policy**

The objectives of SEED DC's *access to records policy* are threefold:

1. To protect scholar privacy.
2. To ensure that parents and scholars have access to appropriate records.
3. To provide appropriate scholar records to parties who have a legitimate need.

#### **Definitions of "Scholar" and "Education Records" Under FERPA**

**Scholar:** Any person with respect to whom a school maintains educational records or personally identifiable information.

**Education records:** Those records, files, documents and other materials which (i) contain information directly to a scholar, and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution." "Education records" does not refer to private records that are kept in an administrator's or a teacher's personal file that is for his or her personal use; thus, these are not subject to review by scholars, parents, or guardians. "Education records" does not refer to law enforcement unit records, alumni records, or peer-graded papers before they are collected and recorded by the teacher. "Education records" does not include email correspondence unless copies of that correspondence are maintained as a part of an individual scholar's file. **"Education records" also does not refer to medical and mental health records related to a scholar who is eighteen years or older.**

#### **Rights of Parents and Eligibility Scholars**



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Parents and eligibility scholars have a right to provide written consent before the school discloses personally identifiable information from the scholar's educational record, except where FERPA authorizes disclosure without consent.

Parents and eligible scholars have the right to inspect and review their children's education records within 45 days after SEED receives a request for access. The terms "parent" include biological parents, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. The term parent generally includes both parents, even when the parents are divorced. Parents are allowed inspection unless such access is barred by Court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

Parties requesting a copy of a part or all of a scholar's records must submit a *School Records Request Form* to the Registrar and **allow up to 45 days** for SEED DC to comply. The consent must: (1) specify the records they want to inspect, (2) indicate the purpose of the disclosure, and (3) identify the people to whom the disclosure may be made.

Parties requesting to review a part of or all of a scholar's records must submit a written request and consent to the Registrar to (1) specify the records to review, (2) indicate the purpose of the review, and (3) identify the people who will review the records. A school official will then arrange access, notify the parents or scholar of the time, and place where the records can either be inspected or picked up.

Parents or guardians also have the right to seek to have records amended that the parent believes to be inaccurate, misleading, or otherwise in violation of the scholar's privacy rights. If parents or guardians want the school to amend records, they must: (1) write to the school Academic Program Office/Registrar office (2) identify the part of the record they want to be changed, and (3) specify why the record is inaccurate or misleading. This request will be reviewed and a decision will be made as to whether the request will be granted. Parents/Guardians will be notified in writing of the decision.

If the school does not comply with the amendment, the school must notify the parent and advise the parent of his or her right to a hearing. A hearing must be conducted within a reasonable time after the request and must be presided over by a disinterested official; the hearing must give scholars and parents, who may be represented by counsel at their own expense, a fair opportunity to present evidence. Even if the records are not amended, parents and scholars have the right to place a statement in the records commenting on the contested information.



Need a scholar's educational records? Submit a *School Records Request* with the Registrar.



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Scholars may not challenge their grades, except on the basis of alleged administrative errors, or force a school to release transcripts that have been withheld for failure to pay fees.

When a scholar turns eighteen years old, enters a postsecondary institution at any age, or is otherwise emancipated, the parents' rights transfer to the scholar.

**When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to you as a parent under FERPA transfer to the student ("eligible student"). However, FERPA provides ways in which a school may—but is not required to—share information from an eligible student's education records with parents, without the student's consent. For example:**

- Schools may disclose education records to parents if the student is claimed as a dependent for tax purposes.
- Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- Schools may inform parents if the student if he or she is under age 21, has violated any law or policy concerning the use or possession of alcohol or a controlled substance.
- A school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

**Access to Records by School Officials**

Scholar records can be and are available to school officials who have a legitimate educational interest in the records. School officials include individuals employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school's board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or scholar volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, scholar, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

School personnel may access scholar records (with the exception of medical and mental health records) for their own use, but they must not share those records or the information contained within them with anyone outside of the school.



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### **Access to Scholar Records by Other Educational Institutions**

Upon request, SEED DC discloses education records without consent to officials of another school or school district in which a scholar seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the scholar's enrollment or transfer.

### **Law Enforcement**

Records can be disclosed to comply with a judicial order or lawfully issued subpoena when they are necessary to adjudicate a juvenile effectively.

SEED DC must notify the parents/guardians or scholar of the order or subpoena in advance of compliance so that the scholar can seek protective action. Law enforcement must certify in writing that the information will not be disclosed to any other party without the written consent of the parent/guardian of the scholar.

Records of related disciplinary proceedings can be disclosed to an alleged victim of any crime of violence at the school at the victim's request.

Scholars, parents, and guardians cannot access records and documents of law enforcement that are kept apart from education records and are maintained solely for law enforcement purposes and these records are not made available to people other than law enforcement officials.

FERPA permits additional disclosures without consent as listed below:

To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible scholar's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)

In connection with financial aid for which the scholar has applied or which the scholar has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))



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To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the scholar whose records were released, subject to § 99.38. (§ 99.31(a)(5))

To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer scholar aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))

To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

To parents of an eligible scholar if the scholar is a dependent for IRS tax purposes. (§ 99.31(a)(8))

To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))

To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))

Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))

To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a scholar's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the scholar in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))

To the Secretary of Agriculture or authorized representatives of the and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

**Release of Directory Information without Parental or Scholar Consent**

The following information is considered directory information and may be released to parties outside the school, included in press releases, and provided to recruiters without parent or scholar consent:

1. Name
2. Address
3. Telephone Listing



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4. Major Field of Study
5. Participation in Officially Recognized Activities and Sports
6. Weight and Height of Members of Athletic Teams
7. Enrollment Status
8. Awards Received
9. Dates Attended
10. Other Schools Attended
11. Place and Date of Birth
12. Description of Involvement in School Activities

Parents and eligible scholars can opt out of the release of directory information by making such a request in writing to the Office of Family and Community Engagement at [admissions@seedschooldc.org](mailto:admissions@seedschooldc.org).

The release of any other records or disclosures requires the consent of the parents or guardian.

### **Complaints**

Complaints of alleged violations of FERPA can be sent to:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920  
Main (800) 872-5327

Complaints must be submitted in a timely fashion and not later than 180 days from the date the scholar experienced the alleged violation. They must contain “specific allegations of fact giving reasonable cause to believe that a violation has occurred,” including relevant dates, names and titles of officials and scholars involved; a specific description of the education record; a description of all contacts with school officials regarding the matter, including times of phone calls and contents of correspondence; name and address of the school, district, and superintendent of the district; and any additional evidence.

### **SPECIAL EDUCATION SERVICES**

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Policies and Procedures Manual for Special Education

#### **I. Special Education Department Mission**





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**SEED DC's Special Education Department is committed to improving scholar achievement and to open the door to attend college by:**

- Ensuring scholars have the support necessary so that they can access the general education curriculum and meet academic standards by providing targeted, specialized academic and behavioral instruction in settings that address the scholar's disabilities and meet the needs of individual scholars.
- Communicating and collaborating with all staff as they implement research-based methods to positively impact scholars' academic and behavioral progress.
- Providing expanded support to improve scholar self-advocacy with regard to their disabilities and to help scholars take advantage of opportunities tailored to their individual interests and needs.

SEED DC is committed to improving academic and social skills of scholars with disabilities by developing, implementing, and monitoring Individualized Education Plans (IEPs) primarily through a combination of general education and special education setting. In addition, IEP goals are addressed through

- Ongoing parent involvement, interaction, and communication
- Multi-disciplinary evaluations and eligibility determinations
- Annual IEP reviews of IEP goals and Present Levels
- Specialized instruction both in and out of the general education classroom
- Related services provided by licensed and qualified providers (speech therapy, psychological counseling, or other services deemed necessary by the MDT)
- Appropriate accommodations and modifications
- Behavior Intervention Plans

\*The services and support may vary year-to-year depending on scholar needs.

## **II. Child Find**

**SEED DC will identify, locate and evaluate enrolled scholars who** either have or are suspected of having, disabilities and need special education as a result of those disabilities. SEED DC may, as appropriate, attempt academic and/or behavior interventions prior to referring a scholar for an initial evaluation for special education. For additional information, see SEED's Child Find Policy on SEED's Website under Scholar Support Services. SEED's Child Find Policy is also available in the Office of Family and Community Engagement or by request to the Director of Student Support Services.



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### **III. Special Education Evaluations**

SEED DC must have a parent's informed written consent and signature before it can conduct an initial evaluation to determine if your child is eligible for special education and/or related services. If a parent or legal guardian has concerns about his/her child's academic progress, please make a request in writing or verbally to the Director of Student Support Services at SEED DC to convene a Scholar Evaluation Plan team meeting. A referral for an initial evaluation may also be made by the scholar if he/she is 18 years old, or a SEED DC staff member. Upon receipt of a referral, an IEP team must meet to review existing data, information from the parent, pre-referral interventions and strategies, current classroom-based assessments, and observations by teachers and related service providers to determine whether to proceed with an initial evaluation for special education. A referral will be acknowledged in writing within three business days of the date that the referral is received. Reasonable efforts will be made to get parental consent for an initial evaluation within 30 calendar days of the date that the referral is received.

If an initial evaluation for special education is warranted, SEED DC will conduct a comprehensive initial evaluation in all areas of suspected disability. In conducting the evaluation, SEED DC will follow the evaluation procedures set forth in the Individuals with Disabilities Education Act. 34 CFR § 300.304 through 300.311. SEED DC completes all special education evaluations and convenes the Multidisciplinary Team meeting to determine eligibility within 60 calendar days of receiving consent. If a scholar is determined eligible for special education services, an initial IEP will be developed within 30 calendar days of the eligibility determination.

SEED DC must conduct a reevaluation of scholars with disabilities at least once every three years unless the Parent and SEED DC agree that the reevaluation is unnecessary upon review of existing data. In this case, SEED DC will confirm this joint decision in writing, the reason for it, and the parent's right to request a formal reevaluation. SEED DC will conduct a reevaluation of a scholar with the Parent's consent sooner than three years if it deems that the educational and related services needs warrant a reevaluation. A Parent may also request a reevaluation at any time; however, a reevaluation will not occur more than once a year unless SEED DC and the parent agree otherwise.

### **IV. Determining Scholar Eligibility for Special Education Services**

SEED DC will notify the parent in writing of any evaluation procedures it proposes to administer to a scholar. SEED DC will employ a variety of assessment tools and strategies and obtain parent input in evaluating the scholar to determine whether the scholar has a disability under Federal law, specifically the Individuals with Disabilities Education Act ("IDEA"). Upon completion of the



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evaluations by qualified individuals, SEED DC will convene a MDT (Multi-Disciplinary Team) meeting consisting of you (the parent) and a group of qualified professionals to review the evaluations and other data and determine whether the child meets the criteria for one of the recognized disabilities under IDEA. The following disabilities are recognized under IDEA: intellectual disability; hearing impairment; deafness; speech or language impairment, visual impairment (including blindness); emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairment, specific learning disability; deaf-blindness; or multiple disabilities. Copies of the evaluation reports and the documentation of the determination of eligibility will be provided at no cost to the Parent. If a child is found eligible for special education services, the parent must provide informed consent for the initial provision of services before an IEP can be developed.

#### **V. Transition Services**

In order to adequately prepare our scholars with disabilities for life after high school, SEED DC must have in effect, no later than the first IEP to be in effect when the scholar turns 14, a transition plan designed to prepare the scholar to make the transition from school to adulthood. Transition plans are to be developed by the IEP team and will include a graduation plan, transition goals and transition services. The transition services and transition goals will be designed to assist the scholar in reach his/her post-school goals and will be based on each individual scholar's need, taking into account the scholar's preferences and interests. With parent consent, SEED DC will invite a representative from the District of Columbia Rehabilitation Services Administration (DC RSA) to any IEP meetings in which the scholar's transition plan will be discussed.

#### **VI. Least Restrictive Environment (LRE)**

SEED DC is required under the law to place a scholar in the least restrictive environment that will meet the scholar's individual needs. This means that SEED DC must ensure that to the maximum extent possible the scholar is educated with other children who are not disabled. SEED DC must ensure that the scholar child is removed from the general education environment only when the nature and severity of the scholar's disability requires the removal.

SEED DC is a local education agency and cannot provide for a continuum of alternative placements to include placements, which require that the child be placed in 100% special education. The Office of the State Superintendent of Education (OSSE) is the agency responsible for locating and issuing full-time, out-of-general education special education placements. In the situation where SEED DC and the parent have determined that the child's needs cannot be adequately addressed at SEED DC or that the child requires more special education services than what can be provided at SEED DC, SEED DC will request assistance from OSSE, with regard to placement.



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Under OSSE's Policy and Procedure for Placement Review, if OSSE's assistance is requested to determine an appropriate placement for a scholar, a 30-day review process will take place in which OSSE reviews the scholar's educational records, interviews school staff and relevant MDT members, and an MDT/change in placement meeting is held. At the change in placement meeting, OSSE will issue a recommendation regarding whether it believes the scholar is in need of a more restrictive placement. Ultimately the decision is made by the MDT at the change in placement meeting. If it is determined by the MDT that the scholar requires a change in placement, OSSE will choose the specific school location within 10 business days from the date of that decision.

**VII. Notifying Parents/Guardians and Scholars of Progress towards IEP Goals**

Parents and scholars will receive by mail IEP Progress Reports indicating progress toward IEP goals from special education teachers and related services providers with the report card for each marking period (quarterly). IEP Report Cards are also maintained in the scholar's special education file.

**VIII. Notice to Parents/Guardians**

SEED DC will give notice to parents anytime it proposes or refuses to initiate or change the identification, evaluation, or location/placement of the scholar.

No fewer than 5 business days before a scheduled meeting whether an IEP or eligibility for special education services will be discussed, SEED will provide parents with a copy of any evaluation, assessment, report, data chart, or another document that will be discussed at the meeting. If the meeting is scheduled less than 5 business days before it is to occur, then these documents will be provided no fewer than 24 hours before the meeting.

No later than 5 business days after a meeting at which a new or amended IEP has been agreed upon, SEED will provide parents with a copy of the IEP. If additional time is needed to comply with the DC Language Access Act of 2004, SEED will provide the latest available draft IEP and final copy upon its completion, no later than 15 business days after the meeting.

**IX. Parent/Guardian Requests**

- A) A Parent has the right to request that a Multidisciplinary Team meeting convenes with their child's special education team at any time. To do so, please contact Kathryn Wood at 202-248-7773 x 5046.
  
- B) A Parent has the right to request a copy of the Procedural Safeguards at any time. The Procedural Safeguards is a document that is designed to help parents and scholars



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understand their rights under the reauthorization of the Individual with Disabilities Education Improvement Act Amendments of 2004 (IDEA).

- C) A Parent has the right to request a Due Process Hearing regarding any concerns that a free appropriate public education is being denied to their child. To request a hearing the Parent may contact the Office of Dispute Resolution located at 1050 First Street, NE, Third Floor Washington, D.C. 20002, or (202)-698-3819. SEED DC has a right to conduct a Resolution meeting with the Parent within 15 days of the date that the Parent/Guardian files a request for a Due Process Hearing to attempt to resolve the issues and concerns raised in the Parent's Due Process Complaint. SEED DC has an additional 15 days to perform the agreed upon resolution. The Parent may request mediation as an alternative to a hearing or in addition to a hearing. A Due Process Hearing must be conducted and a decision must be rendered within 75 days **from the date that the Parent/Guardian requests a hearing**. The Parent has a right to be represented by legal counsel and the Office of Dispute Resolution can provide with the names of free or low-cost legal representatives.

#### **X. Discipline**

SEED DC abides by IDEA requirements regulating disciplinary actions against scholars with disabilities.

##### **Removal for 10 or fewer school days in a school year**

Scholars in special education can be suspended for up to 10 consecutive or cumulative school days in a year to the same extent that suspension is used for general education scholars. The school is not required to provide services for the first 10 days in a school year that the scholar is suspended

##### **Removal for more than 10 cumulative school days when the scholar's behavior does not represent a pattern**

No manifestation determination is required when a scholar is suspended for more than 10 school days in a school year and the series of suspensions does not constitute a pattern. However, scholars who are suspended for more than 10 school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals. Scholars who are suspended for more than 10 days in a school year must also receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications to address the behavior violation so that it does not recur.



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**Removal for more than 10 consecutive school days or 10 cumulative schools days when the behavior represents a pattern**

Disciplinary action that results in a scholar being suspended for more than 10 consecutive school days or 10 cumulative school days in a year where the series of suspensions constitute a pattern result in a disciplinary change in placement. A disciplinary change in placement requires a manifestation determination to be made by the IEP team.

The following is required under these circumstances:

- D) Parent Notification- the parent/ guardian must be notified of the disciplinary action to be taken and informed of the procedural safeguards on the day the decision to take disciplinary action was made.
- E) Manifestation Determination - an IEP team meeting must be convened within 10 school days to determine whether the scholar's behavior was a manifestation of his/her disability.
- F) Review of Behavior Intervention Plan- at the manifestation determination meeting, the IEP team must also conduct a functional behavior assessment, unless one has already been conducted, and develop a behavior intervention plan for the scholar or review the scholar's current behavior intervention plan and modify it as necessary.

Scholars who are suspended for more than 10 school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.

**A manifestation determination meeting reviews the relationship between the scholar's disability and the scholar's behavior that is subject to the disciplinary action.**

If it is determined that the scholar's behavior was a manifestation of his or her disability, then the scholar must return to SEED DC unless the parent and SEED DC agree otherwise. There are special circumstances where a scholar with a disability can be removed from SEED DC for up to 45 school days without regard to whether the scholar's behavior was determined to be a manifestation of his/her disability: possession of a weapon at school on school premises or during a school function; possession or use of an illegal drug at school on school premises or



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during a school function; infliction of serious bodily injury at school on school premises or during a school function. At any time the IEP team, with parent consent, may change the scholar's placement.

If it is determined that the scholar's behavior was not a manifestation of the scholar's disability, the same disciplinary procedures applicable to a scholar without a disability, including long-term suspension or expulsion may be applied to the scholar with a disability. Scholars who are suspended for more than 10 school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.

#### **Hearing officer**

If maintaining a scholar with a disability in his or her current placement would prove harmful to the scholar or to others, the school can request a hearing officer to order placement in an alternative setting for up to 45 days. In this case, the school is required to provide services for a scholar with a disability so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals

## **SECTION 504 POLICIES**

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### **Introduction**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against disabled persons, including scholars and staff members, by schools receiving federal financial assistance. Included in the US Department of Education Regulations for Section 504 is the requirement that disabled scholars be provided with free appropriate public education (FAPE). As such, SEED DC is required to provide the full range of special accommodations and services necessary for scholars with disabilities to participate in and benefit from its education programs and activities.

The regulations require identification, evaluation, the provision of appropriate services and procedural safeguards. The regulations also require that parents or guardian be provided with notice of actions affecting the identification, evaluation, or placement of the scholar and are entitled to an impartial hearing if they disagree with district decisions in these areas.

### **Section 504 Defined**

"No otherwise qualified individual with a disability in the United States shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be



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subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Section 504 regulations require SEED DC to provide a "free appropriate public education" (FAPE) to each qualified scholar with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the scholar's individual educational needs as adequately as the needs of nondisabled scholars are met.

### **Eligibility Criteria**

Under Section 504, a scholar eligible for FAPE is any scholar who has a physical or mental impairment that substantially limits one or more major life activity.

#### What is Physical or Mental Impairment?

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems – neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive, digestive, genitor-urinary; hemic and lymphatic; skin and endocrine.
  - This definition includes such diseases and condition as orthopedic, visual, speech and hearing impediments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, attention deficit disorder (ADD), acquired immune deficiency syndrome (AIDS), and human immune deficiency virus (HIV+)
- Any mental or psychological disorder such as but not limited to mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

#### What is the meaning of Substantial Limitation?

The term “substantially limits” is not explicitly defined by Section 504. However, the following should be considered when determining if a scholar is substantially limited in performing a major life activity:

- In order to meet this standard, the scholar must be unable to perform a major life activity that the scholar’s average peers can perform OR, the scholar must be restricted to a substantial degree as to the condition, manner, or duration under which the major life activity is performed by the scholar’s average peers.





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- Impairment need not prevent or severely or significantly limit a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will be substantially limiting.
- The term “substantially limits” should be construed broadly and determination of substantial limitation should not require extensive analysis.
- The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.

**Episodic or in Remission:** An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Mitigating measures:** The “substantially limits” determination must be made without regard to any ameliorative effects of mitigating measures. The team must make a Section 504 determination based upon the scholar’s disability as it presents itself without the mitigating measures. Mitigating measures include but are not limited to:

- Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- Use of assistive technology;
- Reasonable accommodations or auxiliary aids or services; or
- Learned behavioral or adaptive neurological modifications.

What are Major Life Activities?

Major life activities include, but are not limited to, activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

Major life activities may also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Scholar Identification and Referral**

Section 504 contains a child find requirement that requires school districts to “undertake to identify and locate every qualified [individual with a disability] residing in [its] jurisdiction.” As such, school districts must conduct an evaluation of scholars “who, because of a handicap, need or are believed to need special education and related services.” The school or parent may initiate a referral for an initial evaluation.



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What to be on the lookout for:

- History of physical or mental impairment or disorder
- Poor behavior with an impact on learning or academic performance
- Poor academic performance
- Poor attendance
- Serious health conditions
- Any other issues that may interfere with a scholar's ability to participate in and benefit from the education program

For scholars who are identified and referred for a possible evaluation under Section 504, a review of the scholar's records, including medical, academic and behavioral records, will be conducted by the Scholar Support Team (SST) to determine whether an evaluation is warranted. Any scholar who has or is believed to have a disability special education or related aids or services to participate in or benefit from the education program should be referred for an evaluation.

Identification and referral procedures:

- Any scholar who is suspected of having a disability may be referred by a parent, teacher, or other school employee to the MTSS using the appropriate Parent or Staff Referral form.
- The MTSS will be composed of persons knowledgeable about the scholar, the scholar's history, and the scholar's individual needs.
- The MTSS will consider the referral and, based upon a review of the scholar's existing records, including medical, academic, social, and behavioral records, make a decision as to whether a referral for an evaluation is warranted.

If the MTSS determines that an evaluation is warranted, SEED DC will inform the parent or guardian of this decision and request consent to evaluate the scholar using the Notice of Referral/Request for a Consent Form. The parent or guardian will also be provided with a copy of the Notice of Parental Rights.

If a parent's request for an evaluation is denied, SEED DC will inform the parent or guardian of this decision using the Notice of Decision Not to evaluate form. The parent or guardian will also be provided with a copy of the Notice of Parental Rights.

#### **504 Team**

All decisions regarding a scholar's eligibility, 504 Plan, and placement will be made by the 504 Team. The 504 team will be composed of persons knowledgeable about the scholar, the



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scholar's school history, the scholar's individual needs, the meaning of evaluation data, and the placement options. Parents are necessary members of the 504 team and will be encouraged to present information relevant to the consideration of the team.

**Scholar Evaluation:**

Upon referral for an evaluation, the 504 Team will evaluate the existence and nature of the scholar's disability, the impact of the disability upon the scholar's education, and the extent to which the scholar requires special education and related aids and services to participate in and benefit from the education program. A Section 504 evaluation may be broad (including aptitude, psychological and achievement assessments, medical reports, social and cultural information, etc.) or narrow (medical report). Formal assessments are not always required but maybe in some instances. To determine whether formal assessments are necessary the team must review and consider the data already available to it.

The evaluation must be conducted in a reasonable period of time. Although there is no specific requirement, SEED DC will aim to complete the evaluation within 30-45 days from the date of referral.

In general, the 504 evaluations should:

A. Include materials, tests, or evaluation procedures, as necessary, that are:

1. Validated for the specific purpose for which they are used;
2. Administered by trained personnel in conformance with the instructions provided by their producer;
3. Tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;
4. Selected and administered so as best to ensure that, when a test is administered to a scholar with impaired sensory, manual, or speaking skills, the test results accurately reflect the scholar's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the scholar's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

B. Be based on information from a variety of sources, i.e. teachers, other school staff members, parent/guardian, physician, nurse, and any other knowledgeable professionals;

C. Document and consider all available pertinent information, i.e. records, assessment data or medical reports related to the suspected physical or mental impairment, which may be substantially limiting a major life activity; and



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- D. Be conducted by a group of people, including those who are knowledgeable about the child, the suspected disabling condition, evaluative procedures, the meaning of evaluative data, and accommodation/placement options.

Parental consent is required to evaluate under Section 504. When a parent refuses to consent, SEED DC cannot be held liable for failing to provide the scholar FAPE under Section 504.

Reevaluations are required periodically and should occur at least every three years or sooner when appropriate. Reevaluations must also occur prior to any significant change in placement whether for disciplinary reasons or otherwise.

**504 Plan/Placement:**

If a scholar is determined to be eligible for FAPE under Section 504, the 504 Team must develop a 504 Plan and determine placement for the scholar. If the team determines that despite having a disability under Section 504, the scholar does not require special education or related aids and services, the team will indicate the basis for this decision on the 504 Plan. In making determinations about the scholar's 504 Plan and placement, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior and input from the parents. Determinations about the scholar's 504 Plan and placement will be made by a group of individuals knowledgeable about the scholar, the meaning of evaluation data, and the placement options.

All scholars will be educated with those who are not disabled to the maximum extent appropriate based on their individual needs. A disabled scholar shall be placed in the general education environment unless it is demonstrated by SEED DC that education of the scholar in the general education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Placement in a setting other than the general education environment will not be made without taking into account the proximity of the alternate setting to the scholar's home.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by SEED DC, referrals to agencies which provide assistance to handicapped persons, and employment of scholars, including both employment by SEED DC and assistance in making available outside employment, SEED DC shall ensure that disabled scholars participate with nondisabled scholars in such activities and services to the maximum extent appropriate to the needs of the disabled scholar in question.



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If a case manager has not already been assigned prior to the development of the initial 504 Plan, a case manager will be assigned following the development of the initial 504 Plan. The case manager will monitor implementation of the plan and scholar progress. The case manager will also ensure that a copy of the 504 Plan, Notice of 504 Plan and Placement, and Notice of Parental Rights are provided to the parent or guardian following the 504 Team meeting. The case manager will also distribute the 504 Plan to relevant school staff and provide or arrange for any education necessary for staff regarding the implementation of the plan.

**FAPE**

An “appropriate education” is the provision of regular or special education and related aids and services that are designed to meet the scholar’s individual needs as adequately as the needs of non-disabled scholars are met. An appropriate education must also be designed in accordance with the procedures that satisfy Section 504’s identification, evaluation, placement, and due process requirements.

**Review of the Scholar’s Progress**

The 504 Team will monitor the progress of the disabled scholar and the effectiveness of the scholar’s educational plan at least annually or sooner if necessary or requested, to determine whether the plan is appropriate and necessary and that the disabled scholar’s needs are being met as adequately as the needs of non-disabled scholars.

**Procedural Safeguards:**

Parents should be provided with notice of their rights and procedural safeguards at any time they are notified of decisions regarding the identification, evaluation, or educational placement of the scholar. Such notice should always be provided in writing.

Anyone with questions about SEED DC’s Special Education Services and/or Section 504 process may contact the Director of Student Support Services at (202) 248-3015.

**RESTRAINT AND SECLUSION POLICY**

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The SEED Public Charter School is dedicated to using the Positive Behavior Intervention and Supports framework to proactively teach and reinforce positive behaviors. Specifically, SEED PCS staff working with scholars are trained in both the Boys Town model as well as Nonviolent Crisis Intervention (CPI), endorsed, and provided by the Office of the State Superintendent of Education (OSSE). The strategies taught in the Nonviolent Crisis Intervention training provide participants with a proven framework for decision-making and problem-solving to prevent, de-escalate, and safely respond to disruptive, aggressive, or assaultive behavior by scholars. Additionally, the SEED Public Charter School has Scholar Discipline, Suspension, and Expulsion



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policies to address a spectrum of behavioral infractions. However, The SEED Public Charter School recognizes the possibility that emergency situations may arise where it becomes necessary for staff to use seclusion or restraint to protect the safety of scholars. This policy addresses definitions of seclusion and restraint; requirements that staff must meet when using seclusion and restraint; the use of seclusion and restraint for special education scholars; recordkeeping requirements; and guidelines for staff to consider when using seclusion or restraint.

### **Definitions**

“Seclusion” is defined as the involuntary confinement of a scholar alone in a room or area from which the scholar is physically prevented from leaving. The following are *not* considered “seclusion” for the purposes of this policy:

- *Time-out from reinforcement as a form of strategic behavior modification.* Staff members may limit a scholar’s access to reinforcement in an effort to extinguish inappropriate behavior. When this is a part of an approved behavior modification program, the scholar is monitored in a non-locked setting, and as long as the scholar is not physically prevented from leaving the alternative space, this is not considered seclusion.
- *Scholars voluntarily accessing a separate space to facilitate de-escalation or problem-solving.* Again, as long as scholars are monitored and not being physically prevented from leaving, this is not considered “seclusion.”

“Restraint” is defined as a personal restriction that immobilizes or reduces the ability of a scholar to move his or her torso, arms, legs, or head freely. The following are *not* considered “restraint” for the purposes of this policy.

- *Physical escort.* Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a scholar who is acting out to walk to a safe location.
- *Behavioral interventions as a means of calming or comforting.* For example, proximity control, verbal soothing, or sensory inputs (such as a “squeeze”) might be used as a component of an approved behavior modification program and are not considered “restraint.”
- “Emergency circumstance” is defined as a circumstance that meets both of the following criteria:
- Intervention is necessary to protect the scholar or another person from imminent, serious physical harm; and



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- Other less intrusive, nonphysical interventions have failed or have been determined inappropriate.

#### Requirements for Use of Seclusion and Restraint including Procedures

The SEED Public Charter School prohibits the use of restraint or seclusion except in an emergency circumstance. Any restraint or seclusion shall be applied only by school personnel who are trained in the appropriate use of specific authorized techniques.

A space used for seclusion shall, at a minimum, be free of objects and fixtures with which a scholar could self-inflict bodily harm, shall provide school personnel an adequate view of the scholar from an adjacent area, and shall provide adequate lighting and ventilation. School personnel must be able to see the scholar placed in seclusion at all times and must speak with the scholar at least once every 10 minutes. After 30 minutes of seclusion, the Principal, Director of Student Support Services, or another senior member of the school's staff shall personally observe the scholar to assess the need for continued seclusion. No seclusion shall continue longer than one hour.

- At least two staff members will be present for any scholar placed in seclusion or restraint.
- Staff will employ SEED's Model of Care, which includes a range of de-escalation strategies in order to avoid seclusion or restraint so that seclusion or restraint is the last step.
- Staff and scholars who have engaged in seclusion or restraint will be checked by the school nurse after the incident has ended. The school nurse will provide a written incident report documenting any physical findings for both staff and scholars.
- Staff and scholars who have engaged in seclusion or restraint will engage in Restorative Practices after the incident, such as verbal or written apologies, mediation, and/or participating in a Restorative Circle to repair relationships.
- Staff and scholars who have engaged in seclusion or restraint will take steps for prevention or continued to follow up, which may include but is not limited to meetings with parents and other appropriate stakeholders, counseling referrals, development and implementation of a crisis plan and/or a Behavior Intervention Plan Review and Behavior Intervention Plan revision.
- In the event a scholar continues to demonstrate an escalation in behaviors, after SEED staff have taken every step possible, including seclusion and/or restraint, SEED reserves the right to contact the local police (SEED's School Resource Officers) and/or ChAMPS, a mobile emergency service for families and children experiencing an emotional or mental health crisis in the District of Columbia, for additional support.



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- SEED will not use restraint/seclusion for scholars with disabilities when they wouldn't do so for a scholar without a disability.

### **Use of Seclusion and Restraint on Scholars with Disabilities**

For scholars with disabilities, restraint and seclusion may be used when it is or is not included in the scholar's IEP, Section 504 Plan, and/or Behavior Intervention Plan in emergency circumstances. The restraint must be used to address specific behaviors under defined circumstances and must be implemented by appropriate staff. An IEP/504 meeting will be held for any scholar with a disability who requires the use of restraint/seclusion to ensure that the IEP/504 plan/BIP addresses how restraint/seclusion should be used.

### **Recordkeeping**

The SEED Public Charter School shall maintain written incident reports for each incident involving restraint or seclusion. The reports shall be placed in the scholar's permanent file and maintained as part of his/her education record. The SEED Public Charter School will promptly contact a scholar's parent/guardian plan if seclusion or restraint is used on that scholar during the school day and will provide the parent with a copy of the incident report within 1 school day.

A Behavior Emergency Report Form must also be completed following the use of physical restraint with a child with a disability. This form must be provided to the scholar's parent/guardian within one school day and a copy must be filed in the scholar's special education records.

The Critical Incident Report Form will include the following information:

- Location of the incident leading to restraint/seclusion
- Time and duration of restraint/seclusion
- Staff members involved
- Interventions attempted prior to restraint/seclusion
- Description of attempts to de-escalate prior to restraint/seclusion
- Description of the scholar's behavior that promoted the need for restraint/seclusion
- Description of any injuries sustained by the scholar or staff during the restraint/seclusion

SEED will track data on who is restrained to ensure that no disparate impact is present.

### **Training**

All School Leaders and SEED staff is trained in the Nonviolent Crisis Intervention program (Day 1/6 hours) annually. A select team of SEED staff is trained in Day 2/Nonviolent Crisis





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Intervention, which includes physical restraint. Only SEED staff that is fully trained and certified will participate in restraining a scholar. The Nonviolent Crisis Intervention program is the worldwide standard in crisis prevention and intervention, and the program is aligned with each of the aforementioned guiding principles for the use of restraint and seclusion.

### **Guiding Principles**

In addition to following the requirements and procedures for using seclusion or restraint outlined in Sections I-VI of this policy, the SEED Public Charter School staff will abide by the following 15 principles from the U.S. Department of Education to guide the use of seclusion and restraint at all schools.

- Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
- Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
- Physical restraint or seclusion should not be used except in situations where the child's behavior poses an imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated. (See Sections I-II above.)
- Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
- Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
- Restraint or seclusion should never be used as punishment or discipline (i.e. placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
- Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.
- The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
- Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
- Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral



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interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.

- Every instance in which restraint or seclusion is used should be carefully, continuously, and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel. (See Section III above.)
- Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.
- Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child. (See Section V above.)
- Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
- Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles. (See Section V above.)

All staff at SEED DC has a copy of this policy and must adhere to this policy.

The policies of SEED DC in regard to confidentiality and access to scholar records are in accordance with guidelines established by the United States Department of Education.

### **OPEN MEETING POLICY**

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There will be one open meeting to be held in May and will be held at The SEED Public Charter School in the Charles Barrett Adams Gymnasium from 9am – 11:30am. Information is posted on the school website at [www.seedschooldc.org](http://www.seedschooldc.org).

### **ADMISSION PREFERENCE POLICY**

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The SEED Public Charter School of Washington, D.C. selects students via a lottery process facilitated by My School DC - the District's common lottery. The lottery is a system of random selection of applications that identifies students for enrollment and generates the school's waiting list. The lottery process is completed when all completed and accepted applications submitted during the enrollment period are publicly drawn in random order and placed on that waiting list.

The waiting list ranks applications that were submitted during the application period. These applications are identified by number and two preferences: sibling attending and sibling offered. As spaces become available at the school, they will be offered to the applicants in the order of placement on the waiting list.



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Any application not included in the lottery process and received after the application deadline will be added to the waiting list in the order in which it was received. Again, as spaces become available at the school, they will be offered to the applicants in the order of placement on the waiting list.