

To: Members, Board of Education  
From: Office of the General Counsel  
Chief of Staff  
Subject: Policy Updates  
Date: August 15, 2017

In the last legislative session, changes were made to state statute that require updates to Board Policy.

In addition, DPS recently entered into a resolution agreement with the Office of Civil Rights and agreed to recommend modifications to the District's Restraint Policy, JKA, and Regulation. While the District has long held itself to a standard that exceeds state requirements related to the use of restraint, in 2016, the District received a complaint related to the use of prone holds in a program operated by a District contractor serving students with severe needs. Although prone holds have never been trained or endorsed in District-run or charter schools, DPS policy did not include an outright prohibition on the practice. The District entered into a voluntary Resolution Agreement with the Office for Civil Rights in March, 2017 that required a policy modification to narrowly limit the use of prone holds.

**Therefore, staff recommends the following revisions to Board Policy:**

**ADD – Safe Schools**

In light of recent legislation, CASB recommended changes to their sample policy. Staff recommendation is to incorporate changes to CASB model policy into DPS policy ADD. Additions to the policy reaffirm the District's commitment to providing a safe environment in school, on school vehicles and at school-sponsored activities.

**ECA/ECAB – Security/Access to Buildings**

In light of recent legislation, CASB recommended changes to their sample policy. Staff recommendation is to incorporate changes to CASB model policy into DPS policy ECA. The changes to the CASB model policy recognize that access to buildings and security is important, however, access and security needs to be appropriate to each school building.

**JICF – Secret Societies/Gang Activity**

In light of recent legislation, CASB recommended changes to their sample policy. Staff recommendation is to incorporate changes to CASB model policy into DPS policy JICF.

**Policy JKA – Restraint**

We propose a total modification of this policy consistent with state law, District practice, and the recent OCR Resolution Agreement. The Office for Civil Rights has reviewed and approved the proposed changes. The District has articulated the specific instances in which staff may physically intervene with students. The policy also bans the use of prone

restraints and mechanical restraints (handcuffs) except by the Department of Safety, consistent with state law.

**Policy JKC – Staff Use of Physical Intervention or Force**

We recommend deletion of this policy, as the content is out of date and no longer required.

**JQ – Student Fees, Fines and Charges**

In light of recent legislation, CASB recommended changes to their sample policy. Staff recommendation is to incorporate changes to CASB model policy into DPS policy JQ. In addition, DPS staff will be developing a fee schedule in accordance with State statute and will update the Board once the schedule is completed, it is anticipated that will be sometime in the Fall of 2017.

**The following regulations will be revised:**

**JKA-R – Regulation for the Implementation of Policy JKA**

Edits are being made to the regulation in order for the regulation to be consistent with the above-mentioned changes made to policy and with state law, District practice, and the recent OCR Resolution Agreement.

**JC-R – Regulation for the Implementation of Policy JC**

Edits are being made to the regulation in order to clarify DPS practice and acknowledge changes in statute. The current language provides a sibling preference in the Choice process for students with a sibling who currently attends the school and is projected to return. The modification to the language maintains the sibling preference without the requirement that the current student be projected to return. This change allows families to maintain connections with schools for younger children, even when older children are advancing on. The recommendation is made with support from principals, primarily middle school principals, who would like to offer a preference to families with a continuing 8<sup>th</sup> grader who will no longer be in the building, but who have a younger child moving into 6<sup>th</sup> grade.

The qualification related to kindergarten or higher was added to reflect the fact that students do not automatically project from ECE4 into kindergarten, and thus the continuity of relationships is not typically defined by the school of ECE attendance; additionally, this preserves the integrity of the ECE application process for limited seats.