



Puerto Rico Compilation of School Discipline Laws and Regulations

Prepared: April 30, 2024

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2024. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

Engagement • Safety • Environment

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Puerto Rico State Codes Cited

Puerto Rico Revised Laws

Puerto Rico contracts with LexisNexis to provide free public access to the Puerto Rico Code:

- English: <http://www.lexisnexis.com/hottopics/lawsopuertorico>,
- Spanish: <http://www.lexisnexis.com/hottopics/lawsopuertoricospa>.

Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 3. Executive

Chapter 9A. Department of Education

Chapter 133. Puerto Rico Education Reform

Subchapter I. General Provisions

3 L.P.R.A. § 9801c. Compulsory school attendance

Subchapter II. Public Education System

3 L.P.R.A. § 9802c. Duties and responsibilities of the Secretary of Education

3 L.P.R.A. § 9802i. Duties and responsibilities of the School Principal

3 L.P.R.A. § 9802r. Psychologist; duties; certification

Subchapter IX. Students

3 L.P.R.A. § 9809b. Disciplinary measures and sanctions

3 L.P.R.A. § 9809c. Possession of weapons and controlled substances in schools

3 L.P.R.A. § 9809f. Bullying

Subchapter XII. Career, Technical, and Alternative Education

3 L.P.R.A. § 9812i. Alternative education

Title 18. Education Part I. Public Schools

Chapter 2. Bill of Rights and Responsibilities of the School Community

Subchapter 1. General Provisions

18 L.P.R.A. § 8. Statement of purpose

Subchapter 2. Rights

18 L.P.R.A. § 9. Students

18 L.P.R.A. § 11. Parents, tutors or guardians

18 L.P.R.A. § 12. Non-teaching personnel

Subchapter 3. Responsibilities

18 L.P.R.A. § 13. Department of Education

18 L.P.R.A. § 14. Students

18 L.P.R.A. § 17. Elected officers and government agencies

Chapter 8. School Security Corps

- 18 L.P.R.A. § 141. Public Policy
- 18 L.P.R.A. § 141a. Definitions
- 18 L.P.R.A. § 141b. Creation
- 18 L.P.R.A. § 141c. Organization
- 18 L.P.R.A. § 141d. Powers and functions
- 18 L.P.R.A. § 141e. Coordination with the Government, Commonwealth Police and Municipal Guard
- 18 L.P.R.A. § 141f. Commissioner; creation of post
- 18 L.P.R.A. § 141g. Uniform
- 18 L.P.R.A. § 141h. Financial aid
- 18 L.P.R.A. § 141i. Contracting
- 18 L.P.R.A. § 141j. Members; requirements
- 18 L.P.R.A. § 141k. Rules and regulations
- 18 L.P.R.A. § 141l. Annual report

Part VIII. Educational Activities Generally II Chapter 151. Puerto Rico Student Bill of Rights

- 18 L.P.R.A. § 3802. General student rights
- 18 L.P.R.A. § 3803. Duties and responsibilities of students, parents, guardians, and school authorities
- 18 L.P.R.A. § 3805. Publication

Chapter 152. Puerto Rico Alternative education Development Enabling Act

- 18 L.P.R.A. § 3811. Declaration of public policy
- 18 L.P.R.A. § 3812. Objectives
- 18 L.P.R.A. § 3813. Definitions
- 18 L.P.R.A. § 3816. Functions and duties of alternate education entities 18
- L.P.R.A. § 3817. Functions and powers of the Department of Education
- 18 L.P.R.A. § 3818. Funds for alternative education in Puerto Rico
- 18 L.P.R.A. § 3819. Uses allowed for the appropriations to alternative education entities
- 18 L.P.R.A. § 3820. Reports

Chapter 155. School Retention Program

- 18 L.P.R.A. § 3861. Establishment
- 18 L.P.R.A. § 3862. Public policy
- 18 L.P.R.A. § 3863. School dropout
- 18 L.P.R.A. § 3864. Establishment; regulations
- 18 L.P.R.A. § 3865. Duties and functions of the program
- 18 L.P.R.A. § 3866. Budget

Chapter 160A. Government of Puerto Rico Anti-Bullying and Harassment Act

- 18 L.P.R.A. § 3961a. Applicability
- 18 L.P.R.A. § 3961b. Definitions
- 18 L.P.R.A. § 3961c. Liaison officials; training programs and workshops
- 18 L.P.R.A. § 3961d. Lead agency
- 18 L.P.R.A. § 3961e. Protocol to manage cases
- 18 L.P.R.A. § 3961g. Protocol to manage cases - Agency in charge to oversee compliance
- 18 L.P.R.A. § 3961i. Statistics

**Title 34. Code of Criminal Procedure Part XIII. Minors
Chapter 151. Minors' Act**

- 34 L.P.R.A. § 2201. Title, nature and application
- 34 L.P.R.A. § 2203. Definitions
- 34 L.P.R.A. § 2207. Search and seizure

Puerto Rico Administrative Code

8115. General Regulations for Students in the Puerto Rico public education system which repeals the general regulation for students in the Puerto Rico public education system number 6844 of July 28, 2004.

Article IV. Student Duties and Obligations

- I. Norms

Article IX School Discipline

- A. Concepts
- B. School security
- C. Institutional order
- E. Entries and searches
- F. Rules and procedures for filing complaints and implementation of corrective actions
- G. Infractions and corrective or disciplinary measures

Article X. Responsibility of the School Community

8502 Regulations for the Notification of Absence to Parents, Guardians, or Guardian and Child Welfare Agencies of Puerto Rico

- Article III. Definitions
- Article IV. Procedure

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

18 L.P.R.A. § 8. Statement of purpose.

Article II, Section 5, of the Constitution of Puerto Rico guarantees that "[e]very person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."

The Legislature is duty bound to respond with legislation that guarantees the rights and establishes the responsibilities of the components of the school community in order to reduce the problem of violence in the schools. This bill shall create the Bill of Rights and Responsibilities of the School Community for Security in the Schools and sets forth the rights and duties of the school community members in order to maintain a climate of peace in the schools.

This Bill of Rights and Responsibilities integrates the external and surrounding community to the schools, as well as the Commonwealth and municipal government dependencies and the private sector, in seeking to institute various efforts directed toward the reduction of acts of violence within the schools.

18 L.P.R.A. § 13. Department of Education.

- (a) To establish and promulgate the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations and give notice thereof by means of a copy and orientations to the parents and students of the public education system. Said regulations shall be adopted pursuant to §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico", and shall be filed immediately after approval thereof.
- (b) The administrative authorities, as well as the teaching and non-teaching personnel, shall have the duty to ensure compliance with the General Regulations for the Student of the Puerto Rico Public Education System and the Internal Security Regulations, especially provisions related to the codes of conduct and behavior.
- (c) To establish and promulgate the Crisis Management Strategic Plan for violent incidents in schools to give notice and copy there of to the parents, tutors and students of the Public Education System.
- (d) To provide administrative support to achieve compliance with the school security plans established by the student councils. Said school security plans shall include initiatives directed toward:
 - (1) Identifying the security needs of the schools.
 - (2) Providing clean physical facilities in a safe environment.
 - (3) Implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.
- (e) To redesign those physical facilities whose conditions may influence the development of delinquent or violent activities. The schools should be designed in such a manner so as to prevent the free access of unauthorized persons into the schools and to promote that the school authorities be able to visually supervise student activities in all areas.
- (f) The Department of Education shall establish guidelines for the school directors to prepare a report on violent and non-violent incidents within the school premises. Using a standard format, the Director shall gather the information and analyze the data. Subsequently, the Director shall prepare a quarterly report of these findings and submit the same to the School Life Quality Program.

(g) School authorities shall be responsible for coordinating with the Puerto Rico Police the installation of security devices such as video cameras and alarm systems in schools that are declared unsafe by the Department of Education.

(h) The Department of Education shall be responsible for the training of the teaching and administrative personnel on how to manage students with discipline and violence problems. This training shall be based upon conflict management and the early identification of violent situations. The Department of Education is responsible for keeping all its personnel duly informed about the rules for security and violence prevention, so they may know which steps to take in a crisis situation.

(i) The Department of Education shall promote the development of rapid response plans for crisis situations. Among these are plans for evacuation in case of fire, earthquakes, gas leaks and bomb or terrorist threats. Each component of the school system shall clearly understand its role in the crisis plan. The plan shall include a strategy for communicating with security agencies such as the Puerto Rico Police, the Firefighters Corps, Medical Emergencies [Corps.] and the Commonwealth Emergency Management and Disaster Administration Agency. Moreover, a plan shall be established for communicating with the parents and the communications media in case of emergency.

(j) The Department of Education shall ensure compliance with the prevention and orientation programs directed toward the reduction of violent incidents and conflict management in the schools. These training programs shall emphasize problem solving, social interaction, peer pressure management, understanding of values and conflict management skills.

(k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

18 L.P.R.A. § 17. Elected officers and government agencies.

(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.

(b) Police officers and School Guards I and II shall be responsible for institutional order within one hundred (100) meters surrounding the school premises and in school sponsored activities, in accordance with the regulations established to such effects. It is necessary that these officers develop positive relationships with the components of the school community and exert maximum efforts to achieve a suitable environment for the development of the habit of responsibility and cooperation, and of sound school discipline.

(c) To give conferences and hold assemblies directed toward discussing topics such as school violence prevention, prevention of drug use in the schools, conflict management in the school environment, etc.

(d) Government agencies shall support and actively participate in school activities in order to promote a safe and wholesome environment.

(e) To support research projects directed toward the study of the school violence problem. The information from these research projects may serve as the foundation upon which to generate legislation or initiatives that reduce violence in our schools.

(f) To provide the necessary funds for the implementation of security initiatives in the schools, such as the installation of security devices, programs for monitoring the statistics of criminal and violent incidents in the schools, etc.

(g) To establish interagency collaborative agreements with federal agencies, municipalities and the private sector in order to promote school security.

18 L.P.R.A. § 141k. Rules and regulations.

The Secretary is hereby empowered to adopt the necessary rules and regulations for the implementation of this chapter, including the requirements that must be met by School Security Corps candidates. These rules and regulations shall include the requirement of undergoing Police Academy training for a period of not less than three (3) months, which shall be a part of the trial period of candidates. Such regulations shall conform to the provisions of present §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

3 L.P.R.A. § 9802i. Duties and responsibilities of the School Principal.

In addition to the duties and responsibilities established by regulations, the School Principal shall:

- (o) Implement disciplinary measures for students in accordance with the public policy, directives, standards, rules, and regulations promulgated by the Secretary.

3 L.P.R.A. § 9809b. Disciplinary measures and sanctions.

(a) The disciplinary measures taken by the school's administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student's academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.

(b) The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.

(c) Teachers shall be responsible for the school's discipline, both inside and outside of the classrooms, thereby ensuring that students satisfy this requirement. They shall refer disciplinary issues to the School Principal after having exhausted all resources available to them, such as, but not limited to: restorative measures, mediation, interviews, and meetings with the student, his guardian, or the interdisciplinary team, or referring the student to the homeroom teacher, the school's social worker, or a professional counselor, among others.

(d) Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student's record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.

(e) An out-of-school suspension is an exclusionary discipline practice that should only be implemented under special circumstances and only when the well-being of the students or the school's community is at risk. Under any other circumstances, school principals shall implement practices that are not exclusionary, such as mediation and restorative practices, among others.

(f) The Secretary shall promulgate school discipline regulations in order to ensure that the works of the Public Education System remain uninterrupted, and each Regional Office of Education shall implement the disciplinary practices that are best suited to the particular needs of their students, pursuant to the aforementioned regulations. Such regulations shall be consistent with the applicable laws in our jurisdiction related to minors.

(g) Each Regional Office of Education shall submit a copy of the proposed code of conduct to the personnel of the central offices of the Department, before June 1st of each year, for the review and authorization thereof. The codes of conduct shall not be valid or effective insofar as the aforementioned

process has been carried out and the approval thereof has been notified in writing to the Regional Office of Education.

(h) No student shall be prevented from exercising his right to an education. No corrective measures that harm a student's physical integrity or violates his dignity may be imposed.

(i) The disciplinary measures imposed shall be proportional to the offense and must contribute to improving the student's conduct.

(j) The student's personal, family, and social circumstances shall be taken into consideration before choosing the appropriate disciplinary measure.

REGULATIONS

Regulation Num. 8115. Article IX, B. School security.

1. A committee will be appointed to support the Central level, a Council Support in school districts, and a School Safety Committee in schools, as stated in the Manual for School Safety Support.
2. The primary mission of these committees will be to implement an effective prevention plan to promote a safe environment conducive to learning. If requested by the school community the committees will offer seminars, workshops and other activities related to the prevention and processes, and laws that are carried out for decisions of disciplinary cases.
3. The school principal is responsible for recommending a School Safety Committee composed of school staff that supports students, one (1) student guardian, volunteer teachers with a maximum of three (3), security personnel, and one (1) student. This committee will work with the School Board.
4. The School Safety Committee will be chaired by the Principal, who will call a meeting when necessary.
5. The School Safety Committee will assist in prevention efforts and order, pursuant to the provisions for the purpose established by the Department of Education.

Scope

LAWS

3 L.P.R.A. § 9809b. Disciplinary measures and sanctions.

(a) The disciplinary measures taken by the school's administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student's academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.

(b) The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.

(c) Teachers shall be responsible for the school's discipline, both inside and outside of the classrooms, thereby ensuring that students satisfy this requirement. They shall refer disciplinary issues to the School Principal after having exhausted all resources available to them, such as, but not limited to: restorative measures, mediation, interviews, and meetings with the student, his guardian, or the interdisciplinary team, or referring the student to the homeroom teacher, the school's social worker, or a professional counselor, among others.

(d) Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student's record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.

REGULATIONS

Regulation Num. 8115. Article IX, C. Institutional order.

1. Members of the school community and public order officers will be responsible for institutional order on school grounds, within one hundred (100) meters of the school, and in activities organized by the school, as established by this regulation. They will assure the development of the best relationships in the school and will make the maximum effort to create an environment favorable to the development of responsibility, cooperation, and good school discipline.

Communication of Policy

LAWS

18 L.P.R.A. § 9. Students.

Every student in the public education system has the right to:

- (a) Receive an education that fosters the full development of his/her personality and the strengthening of respect toward human rights and the fundamental freedoms within a safe environment.
- (b) Spend his/her school day in a safe environment that is free from undue pressures related to school violence.
- (c) Receive orientation and a copy of the General Student Regulations of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
- (d) Be informed of the violent situations that have taken place in the school environment in order to remain alert thereto.
- (e) Enjoy broad and diverse opportunities for intellectual and artistic creativity and expression.
- (f) Be treated with fairness and equality and to develop within an environment of freedom, solidarity and full respect for human rights.
- (g) Be guaranteed safety, physical integrity and anonymity when reporting an act of violence he/she has witnessed to the school security authorities.
- (h) Receive the necessary tools for the constructive management of emotions and for verbal non-violent conflict resolution.
- (i) Receive orientation about the procedures to be followed in emergency situations, such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks.

18 L.P.R.A. § 11. Parents, tutors or guardians.

All parents with children in the Public Education System have the right to:

- (d) Receive orientation and a copy of the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
- (e) Participate as an active member of the school council, the security council, the security committee and other committees that promote safety in the school.

(f) Receive a copy of the reports of violent incidents registered for each semester in the school that their children attend.

18 L.P.R.A. § 12. Non-teaching personnel.

All non-teaching personnel working in a public system educational institution shall have the right to:

- (a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
- (b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in schools.
- (c) Be informed about their duties, and the regulations and sanctions with respect to school security.
- (d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of any member of the school community may be in danger.
- (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

18 L.P.R.A. § 13. Department of Education.

- (a) To establish and promulgate the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations and give notice thereof by means of a copy and orientations to the parents and students of the public education system. Said regulations shall be adopted pursuant to §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico", and shall be filed immediately after approval thereof.
- (b) The administrative authorities, as well as the teaching and non-teaching personnel, shall have the duty to ensure compliance with the General Regulations for the Student of the Puerto Rico Public Education System and the Internal Security Regulations, especially provisions related to the codes of conduct and behavior.
- (c) To establish and promulgate the Crisis Management Strategic Plan for violent incidents in schools to give notice and copy there of to the parents, tutors and students of the Public Education System.
- (d) To provide administrative support to achieve compliance with the school security plans established by the student councils. Said school security plans shall include initiatives directed toward:
 - (1) Identifying the security needs of the schools.
 - (2) Providing clean physical facilities in a safe environment.
 - (3) Implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.
- (e) To redesign those physical facilities whose conditions may influence the development of delinquent or violent activities. The schools should be designed in such a manner so as to prevent the free access of unauthorized persons into the schools and to promote that the school authorities be able to visually supervise student activities in all areas.
- (f) The Department of Education shall establish guidelines for the school directors to prepare a report on violent and non-violent incidents within the school premises. Using a standard format, the Director shall gather the information and analyze the data. Subsequently, the Director shall prepare a quarterly report of these findings and submit the same to the School Life Quality Program.

(g) School authorities shall be responsible for coordinating with the Puerto Rico Police the installation of security devices such as video cameras and alarm systems in schools that are declared unsafe by the Department of Education.

(h) The Department of Education shall be responsible for the training of the teaching and administrative personnel on how to manage students with discipline and violence problems. This training shall be based upon conflict management and the early identification of violent situations. The Department of Education is responsible for keeping all its personnel duly informed about the rules for security and violence prevention, so they may know which steps to take in a crisis situation.

(i) The Department of Education shall promote the development of rapid response plans for crisis situations. Among these are plans for evacuation in case of fire, earthquakes, gas leaks and bomb or terrorist threats. Each component of the school system shall clearly understand its role in the crisis plan. The plan shall include a strategy for communicating with security agencies such as the Puerto Rico Police, the Firefighters Corps, Medical Emergencies [Corps.] and the Commonwealth Emergency Management and Disaster Administration Agency. Moreover, a plan shall be established for communicating with the parents and the communications media in case of emergency.

(j) The Department of Education shall ensure compliance with the prevention and orientation programs directed toward the reduction of violent incidents and conflict management in the schools. These training programs shall emphasize problem solving, social interaction, peer pressure management, understanding of values and conflict management skills.

(k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

18 L.P.R.A. § 3805. Publication.

The Department of Education in coordination with the Youth Affairs Office shall establish the mechanisms and systems for the publication, education, and general dissemination of the Student Bill of Rights established in this chapter. Within thirty (30) days as of the approval of this act, the Department of Education shall notify the existence thereof in at least two (2) newspapers of general circulation for three (3) consecutive days. Moreover, it shall publish the complete text on the Department of Education' website. Public schools shall keep a copy of the Student Bill of Rights in a visible and accessible place for students, teachers, parents, and teaching personnel. The Department of Education shall not tolerate any restriction or limitation of the student rights set forth in this Act; said rights shall not restrict or exclude any other right granted by the code of laws.

REGULATIONS

Regulation Num. 8115. Article X. Responsibility of the School Community.

B. At the beginning of each school year, the student and his guardian, in the case of students under twenty-one (21) years of age and not emancipated, will sign a document in which they agree to comply with the rules laid down in this Regulation. Students over 21 years of age will sign the document themselves.

In-School Discipline

Discipline Frameworks

LAWS

3 L.P.R.A. § 9809b. Disciplinary measures and sanctions.

- (a) The disciplinary measures taken by the school's administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student's academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.
- (b) The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.
- (c) Teachers shall be responsible for the school's discipline, both inside and outside of the classrooms, thereby ensuring that students satisfy this requirement. They shall refer disciplinary issues to the School Principal after having exhausted all resources available to them, such as, but not limited to: restorative measures, mediation, interviews, and meetings with the student, his guardian, or the interdisciplinary team, or referring the student to the homeroom teacher, the school's social worker, or a professional counselor, among others.
- (d) Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student's record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.
- (e) An out-of-school suspension is an exclusionary discipline practice that should only be implemented under special circumstances and only when the well-being of the students or the school's community is at risk. Under any other circumstances, school principals shall implement practices that are not exclusionary, such as mediation and restorative practices, among others.
- (f) The Secretary shall promulgate school discipline regulations in order to ensure that the works of the Public Education System remain uninterrupted, and each Regional Office of Education shall implement the disciplinary practices that are best suited to the particular needs of their students, pursuant to the aforementioned regulations. Such regulations shall be consistent with the applicable laws in our jurisdiction related to minors.
- (g) Each Regional Office of Education shall submit a copy of the proposed code of conduct to the personnel of the central offices of the Department, before June 1st of each year, for the review and authorization thereof. The codes of conduct shall not be valid or effective insofar as the aforementioned process has been carried out and the approval thereof has been notified in writing to the Regional Office of Education.
- (h) No student shall be prevented from exercising his right to an education. No corrective measures that harm a student's physical integrity or violates his dignity may be imposed.
- (i) The disciplinary measures imposed shall be proportional to the offense and must contribute to improving the student's conduct.
- (j) The student's personal, family, and social circumstances shall be taken into consideration before choosing the appropriate disciplinary measure.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

3 L.P.R.A. § 9809b. Disciplinary measures and sanctions.

- (a) The disciplinary measures taken by the school's administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student's academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.
- (b) The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.
- (c) Teachers shall be responsible for the school's discipline, both inside and outside of the classrooms, thereby ensuring that students satisfy this requirement. They shall refer disciplinary issues to the School Principal after having exhausted all resources available to them, such as, but not limited to: restorative measures, mediation, interviews, and meetings with the student, his guardian, or the interdisciplinary team, or referring the student to the homeroom teacher, the school's social worker, or a professional counselor, among others.
- (d) Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student's record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.
- (e) An out-of-school suspension is an exclusionary discipline practice that should only be implemented under special circumstances and only when the well-being of the students or the school's community is at risk. Under any other circumstances, school principals shall implement practices that are not exclusionary, such as mediation and restorative practices, among others.
- (f) The Secretary shall promulgate school discipline regulations in order to ensure that the works of the Public Education System remain uninterrupted, and each Regional Office of Education shall implement the disciplinary practices that are best suited to the particular needs of their students, pursuant to the aforementioned regulations. Such regulations shall be consistent with the applicable laws in our jurisdiction related to minors.
- (g) Each Regional Office of Education shall submit a copy of the proposed code of conduct to the personnel of the central offices of the Department, before June 1st of each year, for the review and authorization thereof. The codes of conduct shall not be valid or effective insofar as the aforementioned process has been carried out and the approval thereof has been notified in writing to the Regional Office of Education.
- (h) No student shall be prevented from exercising his right to an education. No corrective measures that harm a student's physical integrity or violates his dignity may be imposed.
- (i) The disciplinary measures imposed shall be proportional to the offense and must contribute to improving the student's conduct.
- (j) The student's personal, family, and social circumstances shall be taken into consideration before choosing the appropriate disciplinary measure.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

L.P.R.A. § 9809b. Disciplinary measures and sanctions.

- (a) The disciplinary measures taken by the school's administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student's academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.
- (b) The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.
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- (d) Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student's record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.
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- (g) Each Regional Office of Education shall submit a copy of the proposed code of conduct to the personnel of the central offices of the Department, before June 1st of each year, for the review and authorization thereof. The codes of conduct shall not be valid or effective insofar as the aforementioned process has been carried out and the approval thereof has been notified in writing to the Regional Office of Education.
- (h) No student shall be prevented from exercising his right to an education. No corrective measures that harm a student's physical integrity or violates his dignity may be imposed.
- (i) The disciplinary measures imposed shall be proportional to the offense and must contribute to improving the student's conduct.
- (j) The student's personal, family, and social circumstances shall be taken into consideration before choosing the appropriate disciplinary measure.

REGULATIONS

Regulation Num. 8115. Article IX, A. Concepts.

5. The educational process prefers persuasion, encouragement and positive motivation before going to the disciplinary process.

4. Corrective Plans and Special Conditions

d. The Secretary or his/her authorized representative may require, as a condition for a student not to be suspended, removed or expelled after the application of a formal complaints procedure, for the student to enter a rehabilitation process where he/she receives treatment from psychologists, social workers, counselors or any other person or entity who can help in their rehabilitation process.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

No relevant laws found.

REGULATIONS

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.

1. Concepts

d. Corporal punishment is prohibited. Reasonable force will only be justified when it is essential to prevent bodily harm to others or to the offending student himself, as well as to avoid damages to student property. In these cases you will need to call the police, policeman, school security officer or other public official so that he may proceed to engage in corresponding charges.

Search and Seizure

LAWS

34 L.P.R.A. § 2207. Search and seizure.

The minor will be protected against unreasonable searches, attachments and seizures. A judicial warrant authorizing a search and seizure against a minor shall only be issued when there is probable cause based on a sworn statement or declaration and specifically stating the person or place to be searched and the things to be seized.

REGULATIONS

Regulation Num. 8115. Article IX, E. Entries and searches.

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students.

1. Authorized officials

a. Will have legitimacy to perform the entries and searches the following officials:

- 1) The School Principal
- 2) The teacher
- 3) The school's officer
- 4) Law Enforcement Officer

2. Procedure

The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:

- a. When a student commits the offense charged in the authorized official's presence
- b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student's innocence or guilt will be determined independently later.

c. In the circumstances described in subsections (a) and (b) above, the entry has to be done immediately, in front of the student and his/her belongings, as long as these are located in an area within his/her immediate grasp.

d. When the consent of the student is required, provided that the student is not in elementary school or does not present an impairment that limits his/her capacity to consent, consent may be given expressly or tacitly. If the student to be intervened is in an elementary school or he/she presents an impediment that limits his/her capacity to consent, consent must be provided by the parent or guardian, in an express manner, through the document that the Department of Education provides for these purposes.

e. When the student has full view of a forbidden object, as described in Article IV, (page 9) Subsection I (6) of the present regulation. He/she may register under this disposition, provided that each of the following requirements are met:

- 1) The object was discovered because it was in plain sight or because of perception of the authorized official, and not in the course or because of a search.
- 2) The authorized official who observed the object had the right prior to being in the position where the object could be seen.
- 3) The object was discovered inadvertently.
- 4) The criminal nature of the object arose from simple observation or perception. The object can be detected through smell. If evidence is obtained as a consequence of the search realized, the student could be disciplined in accordance with the procedure provided in the present Article, in subsection F.

Restraint and Seclusion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

34 L.P.R.A. § 2201. Title, nature and application.

This chapter shall be known as the "Puerto Rico Minors' Act." Its provisions shall be applicable with preference over other laws, and in case of conflict, the special principles of this chapter shall prevail.

34 L.P.R.A. § 2203. Definitions.

The words and phrases used in this chapter shall mean:

- (a) Adult.- Any person who has attained eighteen (18) years of age.
- (b) Probable cause.- Determination made by an investigating magistrate on the occurrence of a violation to a law or municipal ordinance, in the commission of which a minor is regarded as the perpetrator or accomplice.
- (c) Treatment center.- Residential institution which offers the minor protective, evaluating and diagnostic services, in addition to rehabilitating treatment after a final decision of the case has been made.
- (d) Detention center.- Institution where the minor shall be held pending the adjudication or final decision of the case, or pending any other procedure before the court.
- (e) Custody.- The act of putting the minor under the responsibility of the Secretary of the Family or of any other body or private or public institution through a court order and subject to the jurisdiction thereof; said person shall retain custody during the period he is receiving the protective, evaluating and diagnostic services, in addition to the rehabilitating treatment which his condition calls for.
- (f) Classification and Evaluation Division.- A dependency of the Juvenile Institutions Administration in charge of evaluating all minors whose custody has been assigned to the Juvenile Institutions Administration by order of the court, and which shall determine the placement of the minor.
- (g) Removal.- Resolution of the court suspending the judicial procedure in the interest of the minor and referring him to an agency, institution or public or private body to receive services.
- (h) Detention.- Provisional care of the minor in an institution or center created for such purposes pending the determination of the court on the facts he is charged with, and thus is placed under its authority after probable cause has been found, or due to pending post-adjudicative procedures.
- (i) Family Relations Specialists.- Social worker thus classified in the Personnel Administration System of the Judiciary Branch attached to the court.
- (j) Offense.- Violation or attempted violation by a minor of penal or special laws or municipal ordinances of Puerto Rico except those violations or attempted violations that are excluded, by the express provisions of this chapter.
- (k) Class I Offense.- Conduct that if incurred by an adult would constitute a misdemeanor.
- (l) Class II Offense.- Conduct that if incurred by an adult would constitute a felony, except those included in Class III offenses.
- (m) Class III Offense.- Conduct that if incurred by an adult would constitute a first degree felony, except for the modality of first degree murder that is excluded from the authority of the court; second degree felony; the following felonies in the classification of third degree: manslaughter, aggravated burglary, kidnapping, theft, aggravated assault under the modality of mutilation, manslaughter; and the following offenses in special laws: distribution of controlled substances and §§ 458b, 458f, 458g, 458h and 458i of Title 25, part of the Weapons Law.

- (n) Judge.- The person designated to take cognizance in the matters within the provisions of this chapter.
- (o) Minor.- A person who is under eighteen (18) years of age or that having attained said age is held liable for an offense committed prior to attaining that age.
- (p) Prosecutor for Minor's Affairs, or Prosecutor.- Assistant Prosecutor of the Court of First Instance designated exclusively to exercise his functions in matters covered by this chapter.
- (q) Complaint.- Writ filed in the court describing the offense charged to a minor.
- (r) Rehabilitation.- Process through which it is expected to adequately reintegrate the minor to society with the capacity to function on his own.
- (s) Family Relations Technician.- Professional thus classified in the Personnel Administration System of the Judiciary Branch attached to the court who shall have professional training in the field of human behavior.
- (t) Transgressor.- A minor who has been found guilty of committing an offense.
- (u) Court.- Court of First Instance, Part that executes its authority pursuant to the provisions of this chapter.
- (v) Escape.- Any minor who, while under the custody of the Juvenile Institutions Administration, commits the offense of escape, shall be guilty of a new offense. The resolutive measure of this new offense shall be subsequent to the original resolutive measure. Escape shall be understood to be a unjustified absence without the permission of the Institution, or the unjustified abandonment of any program to which the minor was referred.

REGULATIONS

Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.

2.b.1) Concepts

- a) This process can only be used by the Principal when:
 - (1) he knows that student performance is out of compliance with Class II or Class III in accordance with the Children Act, or if the student is to be tried as an adult or is involved in an act that is establishing serious criminal offense, or
 - (2) when the Principal has grounds to believe that a student may be an actual or imminent harm to another student or other persons or school property.

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.

3.a) Corrective or Disciplinary Methods for Informal Complaints

The Principal shall have power to impose the following corrective or disciplinary measures:

- 6) Suspension of one (1) to fifteen (15) school days.

3.b) Corrective or Disciplinary Methods for Formal Complaints

The Secretary of Education, or his authorized representative, shall have power to impose any disciplinary or corrective measures for which the Principal is authorized, plus those described below:

- 4) Expulsion - permanent separation of the Public Education System.

5.a.3. Misbehavior Against Institutional Order

- a. Impeding or limiting other students from completing their homework- all students who obstruct or impede other students from doing their school work will incur this violation
- c. Challenge Authority - a student is in violation if they disobey a directive or direct order for lawful purposes and that has been issued by a person with authority to do so. [...]

j. Mutiny - It is a violation when two or more students working together, without legal authorization, make use of force and violence to disturb the institutional peace or threaten to use force or violence accompanied by the ability to do it.

5.a.5. Corporal Offense

- a. Assault- Assault - anyone who employs force or violence against another person to do harm.
- b. Mutilation - any student who illegally and maliciously deprives or disables and disfigures a person or a body part.

Limitations or Conditions on Exclusionary Discipline

LAWS

3 L.P.R.A. § 9809b. Disciplinary measures and sanctions.

(a) The disciplinary measures taken by the school's administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student's academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.

(b) The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.

(c) Teachers shall be responsible for the school's discipline, both inside and outside of the classrooms, thereby ensuring that students satisfy this requirement. They shall refer disciplinary issues to the School Principal after having exhausted all resources available to them, such as, but not limited to: restorative measures, mediation, interviews, and meetings with the student, his guardian, or the interdisciplinary team, or referring the student to the homeroom teacher, the school's social worker, or a professional counselor, among others.

(d) Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student's record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.

(e) An out-of-school suspension is an exclusionary discipline practice that should only be implemented under special circumstances and only when the well-being of the students or the school's community is at risk. Under any other circumstances, school principals shall implement practices that are not exclusionary, such as mediation and restorative practices, among others.

(f) The Secretary shall promulgate school discipline regulations in order to ensure that the works of the Public Education System remain uninterrupted, and each Regional Office of Education shall implement the disciplinary practices that are best suited to the particular needs of their students, pursuant to the aforementioned regulations. Such regulations shall be consistent with the applicable laws in our jurisdiction related to minors.

(g) Each Regional Office of Education shall submit a copy of the proposed code of conduct to the personnel of the central offices of the Department, before June 1st of each year, for the review and authorization thereof. The codes of conduct shall not be valid or effective insofar as the aforementioned process has been carried out and the approval thereof has been notified in writing to the Regional Office of Education.

- (h) No student shall be prevented from exercising his right to an education. No corrective measures that harm a student's physical integrity or violates his dignity may be imposed.
- (i) The disciplinary measures imposed shall be proportional to the offense and must contribute to improving the student's conduct.
- (j) The student's personal, family, and social circumstances shall be taken into consideration before choosing the appropriate disciplinary measure.

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

- (1) To receive an education directed to the full development of their personality, intellectual capacities, as well as strengthening human beings and their fundamental freedoms.
- (2) Special education programs shall promote the optimum development of the personality, as well as the physical, mental, and cognitive abilities of special needs students by providing them with an education and the tools for their integration into society.
- (3) Parents shall have the right and the obligation to be informed of their children's academic performance as well as the responsibility to ensure their children's compulsory school attendance.
- (4) Students shall have the right to know the evaluation process criteria to which they shall be subjected when their school work is graded and evaluated; and to be notified of their academic progress.
- (5) Students shall have the right to a bilingual education that teaches them to communicate fluently in English and Spanish, at the very least, which are the two official languages of Puerto Rico.

The parents of students who are unemancipated minors or, in default thereof, their guardian or custodian, may inform the Department of Education of their desire to provide the student with instruction in English. To such effects, they may request admission to any of the specialized schools for said purpose subject to seat availability and following the rules and regulations of the Department.

(6) Freedom of Expression.- Every student shall have the right to express his opinions as well as to orderly and respectfully disagree with the opinions of his teachers and other school personnel. School authorities shall identify and provide spaces or areas to be used by students to place notifications or comments regarding any school issue, subject to the rules established in the Department of Education's General Student Regulations in effect. Under no circumstances shall the order established in the classrooms and on school grounds be altered.

(a) No public school, on its own or through employees or third parties, shall punish, retaliate, or impose disciplinary or discriminatory measures against any student who chooses to participate in military, paramilitary, or quasi-military activities or courses approved by the state or federal government or educational entities.

(7) Freedom of Religion.- The education provided in the schools of the State shall be free and nonsectarian.

(8) Equal Protection of the Laws.- Every student shall have the right to equal protection of the laws.

(9) Student education records and conduct in school: privacy, access, and disclosure.- Education records and other related documents as well as the performance, conduct, attendance, health, interaction with other members of the school community, personal appearance, personal care, and the attention of parents or guardians, or any other fact or circumstance involving the student within the school grounds shall be confidential. The records and related documents shall be kept in the custody of the School Principal.

No official of the Department of Education shall be authorized to disclose, by any means, the information that has been determined to be confidential by virtue of this chapter, unless the father or mother with parental rights or the legal guardian has issued an express and written consent. The student, father, mother with parental rights, or custodians and guardians shall have the right to request a copy of the education record. Access to these records shall be subject to the pertinent laws on the protection of confidential documents; persons not listed in this subsection shall be denied access to the student's education records, unless there is a court order to such effect.

The prohibition to disclose confidential information does not include information shared by officials of the Department of Education, the Department of the Family, and the Department of Justice, or any other government entity in the course and performance of their duties, or any information requested by a court order. Moreover, the disclosure of information to acknowledge the academic achievements of the student is hereby exempt from this limitation.

(10) Right to a free and safe education.-

(a) Education shall be free and accessible in the primary and secondary school levels to every public school student between the ages of five (5) and twenty-one (21).

(b) Students shall have the right to enjoy a safe school environment; free from the illegal use and trafficking of drugs and weapons; and free from any type of attack to their physical, mental, or emotional integrity.

(c) Students shall have the right to an education free from discrimination, abuse, and neglect.

(d) The right to receive equal opportunities to enroll in the public education system shall be recognized and guaranteed to any student who lives in Puerto Rico, regardless of race, color, sex, age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation and gender identity, and immigration status. Public schools may not deny or reject students from enrolling in school on account of immigration status or failure to provide proof of lawful presence in Puerto Rico. No student or his family members shall be inquired about the immigration status of a student, his parents, or custodians.

(11) Curriculum.- Public schools shall implement a curriculum that fully develops the intellectual, imaginative, and emotional capabilities of students. Public schools shall also develop student's abilities pertaining to the sound coexistence of human beings as indispensable members of society. Said curriculum shall promote student's analytical skills and thought, disregarding the tradition of memorizing and reciting unnecessary information. Moreover, schools shall promote the development of values and dignity in human beings.

(12) Special education and reasonable accommodation.- Every student who has a physical or mental disability or has special needs shall have the right to receive services as are necessary according to their condition, and to be guaranteed reasonable accommodation consistent with their needs, as established in §§ 1351 et seq. of this title, known as the "Integral Educational Services for Persons with Disabilities Act", and the agreement of the class action *Rosa Vélez v. Departamento de Educación*, KPE1980-1738. If a student has a disability or a medical condition said student shall have the right to have private information remain confidential, pursuant to federal and state laws in respect thereof.

(13) Disciplinary actions.- The student shall have the right of due process in any disciplinary procedure. Disciplinary actions shall be carried out in accordance with the provisions of the Department of Education's General Student Regulations in effect. As part of the due process of law, students shall be granted the following rights:

(a) To be notified of the infraction and the sanction to be imposed. The foregoing shall be notified to the parents, guardian, or custodian of the student, and in the case of students of legal age, they shall be directly notified.

- (b) To be given the opportunity to be heard before any sanction is imposed.
 - (c) To be judged by an impartial and competent person.
 - (d) To have knowledge of the student regulations, which shall be a public and accessible document to all students.
- (14) Every student shall have the right to receive an education of excellence.
- (15) Every student shall have the right to be considered an active learner and capable of social interaction within his social environment.
- (16) Every student shall have the right to be heard and to have his opinions fully respected; he shall also have the obligation to hear and respect the opinion of others.

REGULATIONS

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.

- 2) Provisional Methods that May be Utilized Before Imposing Disciplinary Methods
- b. Short Suspension: The Principal may use this measure when circumstances are deemed appropriate for filing grievances. In which case, it shall comply strictly with the provisions of this Article stated in the section on the formal complaints procedure.
- 3) Corrective or Disciplinary Methods
- b. The Secretary of Education, or his authorized representative, shall have power to impose any disciplinary or corrective measures for which the Principal is authorized, plus those described below:
 - 1) Suspension for a period longer than fifteen (15) school days.
 - 2) Suspension conditional until the student complies with its obligations under the circumstances imposed by the Secretary.
 - 3) Permanently transfer student to a different school, district, or alternative school.
 - 4) Expulsion - permanent separation of the Public Education System.
- For serious circumstances it may increase to a defined term suspension.

Due Process

LAWS

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

- (13) Disciplinary actions.- The student shall have the right of due process in any disciplinary procedure. Disciplinary actions shall be carried out in accordance with the provisions of the Department of Education's General Student Regulations in effect. As part of the due process of law, students shall be granted the following rights:
- (a) To be notified of the infraction and the sanction to be imposed. The foregoing shall be notified to the parents, guardian, or custodian of the student, and in the case of students of legal age, they shall be directly notified.
 - (b) To be given the opportunity to be heard before any sanction is imposed.
 - (c) To be judged by an impartial and competent person.
 - (d) To have knowledge of the student regulations, which shall be a public and accessible document to all students.

(14) Every student shall have the right to receive an education of excellence.

(15) Every student shall have the right to be considered an active learner and capable of social interaction within his social environment.

(16) Every student shall have the right to be heard and to have his opinions fully respected; he shall also have the obligation to hear and respect the opinion of others.

REGULATIONS

No relevant regulations found.

Return to School Following Removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

3 L.P.R.A. § 9812i. Alternative education.

Through the Office of the Secretary, the Department shall offer educational and support services to the regular adult population and to the at-risk children and youth population.

It shall offer innovative programs during regular and extended hours, to develop various academic and social skills. These offerings shall reflect the demands of the labor market, including the importance of English language proficiency at a conversational level, and shall be aligned with the needs of today's Puerto Rico.

For such purposes, the Department shall continue to offer educational services to the at-risk children and youth population through specific service centers such as the Alianza para la Educación Alternativa, Centros de Servicios de Apoyo Sustentable al Alumno, better known as "Proyecto C.A.S.A.," among others.

These alternative schools shall have the following standards:

- (a) Recruiting and admission.
- (b) Learning environments.
- (c) Integral development of participating students and their learning.
- (d) Program content design.
- (e) Assessment of organizational effectiveness.
- (f) Organizational competency.
- (g) Partnerships and collaborations.
- (h) These schools may receive any international, federal, or state accreditation available for the various programs.

18 L.P.R.A. § 13. Department of Education.

(k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

18 L.P.R.A. § 3811. Declaration of public policy.

The Legislative Assembly of Puerto Rico recognizes the pressing need to encourage the support for successful alternative education models in order to address, in an integrated manner, the unique

cognitive, academic, biopsychosocial, vocational, and entrepreneurial needs of the population of school dropouts and at-risk children or youths.

The goal of alternative education is to develop enterprising and productive citizens with high academic, community, and leadership competencies who are committed to their personal development as well as that of their family and community setting.

Based on the foregoing, this Legislative Assembly hereby resolves and declares that alternative education is governed in Puerto Rico by the following principles:

- (a) All children and youths have the right to quality education.
- (b) All school dropouts and at-risk children and youths represent a population with full potential for human development thus requiring an education adjusted to their socioeconomic and educational needs and to their unique interests.
- (c) Taking into consideration the high incidence of school dropouts and at-risk children and youths, alternative education shall be considered a curriculum within the educational system in Puerto Rico.
- (d) Alternative education for school dropouts and at-risk children and youths should be characterized by its focus on them, the promotion of opportunities for participation, academic preparation, physical and sports training, trust in their capabilities, discipline, respect for human dignity, the opportunity to explore and develop their talents, including the means of artistic expression, occupational education, and technological training that provides them with self-management tools.
- (e) The State recognizes the benefits of partnerships with the municipalities of Puerto Rico and municipal consortiums, nonprofit government and nongovernmental organizations, and nonprofit higher education institutions, both from the government and the nongovernment sectors, and their contributions to improve the quality of life of Puerto Rico. The Government and the entities and institutions that have purposes similar to the purposes of this chapter should establish a partnership so they can work in conjunction to expedite the resources and promote the conditions that shall guarantee the continuity of services.
- (f) School dropouts and at-risk children and youths need varied education models of proven effectiveness in satisfying the needs and unique characteristics of this population.
- (g) In order to effectively address the unique needs and interests of their students, alternative education entities shall have autonomy and flexibility relating to its administration, operations, and curriculum, in accordance with its objectives and education model, but shall be required to comply with the parameters and meet the requirements established both in this chapter and the regulations adopted thereunder. They shall also meet all the licensing requirements set forth by the Puerto Rico Education Council, pursuant to Reorganization Plan No. 1 of July 26, 2010, as amended.

Likewise, and considering that the traditional academic curriculums are not governed by inflexible parameters that prevent what should be their natural evolution, our aim is that, when the time comes, the alternative model may be transformed so as to embrace, support, and integrally fulfill the unique interests and needs of gifted students in Puerto Rico. This could be achieved by creating education centers specifically geared to this population, or by entering into collaboration agreements between existing institutions and other entities with the expertise and proven experience working with this population. We believe that this shall be the next logical step to be taken once this education model has proven its reliability.

18 L.P.R.A. § 3812. Objectives.

This chapter has the following objectives:

- (1) To recognize alternative education as an academic curriculum within the education system of Puerto Rico;
- (2) To establish a structure within a clear and efficient legal framework to guarantee the quality of the alternative education offered in Puerto Rico, as well as the availability of funds therefor;

- (3) To validate educational services that take into consideration the characteristics of the development stage of school dropouts or at-risk children and youths not being addressed by the mainstream curriculum, in order to allow for the optimum development of their potential, knowledge, attitudes, and competencies through alternative education;
- (4) To promote development and support to the career, entrepreneurial, and business training process of participants, taking as basis the business or job expectations and needs of the population, their qualified entry into the changing labor market, and their self-management capabilities, giving priority to those actions geared to their social and financial improvement, and to the involvement of students in the community;
- (5) To establish quality standards and accountability mechanisms for alternative education entities by overseeing the use of the funds allocated for such purposes and the attainment of definite results;
- (6) To contribute to the documentation of effective alternative education practices to help improve the education system in general; and
- (7) To promote the collection of individual historical data of participants of the alternative education programs, and the collection of the pertinent statistics for the benefit of the education system of Puerto Rico.

18 L.P.R.A. § 3813. Definitions.

For purposes of this chapter, the following terms shall have the meaning stated hereinbelow:

- (a) Partnership.- Means the "Alternative Education Partnership, Inc".
- (b) At-risk.- Means those students whose profiles show any of the following indicators, and who do not show any changes upon interventions conducted by the Department of Education of Puerto Rico:
 - (14) Those other indicators to be identified in the future by the Alternative Education Commission.
- (c) Alternative Education Commission.- Means an entity composed of seven (7) persons that shall serve as the regulatory and oversight entity of the public policy on alternative education in Puerto Rico.
- (d) Alternative education.- Means a curriculum within the education system geared to the population of school dropouts or at-risk children and youths, in an integrated manner that addresses their unique interests, needs, and development levels in cognitive, academic, biopsychosocial, vocational, and entrepreneurial areas, which promotes values and the optimum development of their potential.
- (e) Alternative education entities.- Means educational centers and/or basic level schools, with their corresponding institutional units, whether newly created or existing ones, from the government and non-government sector, that offer alternative education programs in Puerto Rico. These entities shall be held accountable for the use of state funds and shall produce measurable results in accordance with the established indicators and metrics, which shall be developed under quantitative and qualitative approaches, as well as comply with the applicable laws and regulations.

18 L.P.R.A. § 3816. Functions and duties of entities of alternate education.

For the purpose of implementing the public policy on alternative education in Puerto Rico, and to guarantee a high-quality level as well as the promotion thereof, alternative education entities shall have the following functions:

- (a) To promote the development of alternative education, ensuring that the models and programs to be used and taught are aligned with the purposes of the public policy set forth in this chapter and certified by the Commission.
- (b) To submit reports to the Custodian Agency and the Commission, as established in § 3820 of this title.
- (c) To render reports to the Commission on the use and results of any other funds, gifts, or public or private transfers received which are directed to the public policy on alternative education established in this chapter.

(d) To collaborate with the Department of Education to promote the permanence of students in school, and the use of effective practices and models to improve the education system in general.

(e) To meet the requirements and rules adopted by the Commission with respect to alternative education in Puerto Rico.

(f) To promote collaboration agreements with municipalities or municipal consortiums in Puerto Rico and other government or nongovernmental organizations to broaden its services.

(g) The operations of alternative education institutions under this chapter shall be subject to the oversight and audits to be conducted by the Office of the Comptroller of Puerto Rico.

18 L.P.R.A. § 3817. Functions and powers of the Department of Education.

The Department of Education shall have the following functions and powers:

(c) To receive and evaluate financial reports from the alternative education entities and make the semiannual disbursements as the Custodian Agency of the budget allocation earmarked in this chapter.

18 L.P.R.A. § 3818. Funds for alternative education in Puerto Rico.

Beginning Fiscal Year 2012-2013, twelve million dollars (\$12,000,000) shall be annually appropriated to the Alternative Education Partnership, Inc. to attain the purposes of this chapter. The Partnership shall use a portion of this budget for professional development programs for its teaching personnel, and the establishment of student information systems, pursuant to the provisions of § 3815 of this title. Any surplus in the appropriated budget may be used in subsequent fiscal years for purposes related to this chapter.

This shall be a recurring appropriation to the Partnership and the Department of Education shall be the custodian agency thereof. This entails that the funds shall be received by the Department of Education to be allocated semiannually to the Alternative Education Partnership, Inc., upon the filing of the financial statements referred to in § 3817(c) of this title.

Furthermore, the sum of seven million dollars (\$7,000,000) shall be annually appropriated in the budget of the Department of Education for the operation of C.A.S.A Project. Any surplus in the appropriated budget may be used in subsequent fiscal years for purposes related to this chapter.

The Department of the Treasury shall deduct one percent (1%) from the budget appropriated under this chapter to the Alternative Education Partnership, Inc. and C.A.S.A Project, and shall remit it to the Puerto Rico Education Council to defray the operating expenses of the Alternative Education Commission.

18 L.P.R.A. § 3819. Uses allowed for the appropriations to alternative education entities .

The funds provided by this chapter shall be used by participating alternative education entities for the following:

(a) The distribution of funds, through per student grants or allocations to organizations of proven effectiveness, to continue with the implementation and development of alternative education programs.

(b) Grants for the creation of new programs or the improvement of recently-created programs.

(c) Grants or contracts for training and technical assistance related to alternative education.

(d) Grants or contracts for the implementation of information dissemination strategies to raise the public's awareness of the alternative education concept.

(e) Grants or contracts for external evaluations, investigations, and studies that contribute to the documentation and collection of statistics on alternative education.

(f) Promotion and networking with alternative education systems or entities in other states of the United States and in other countries.

(g) Contracting of resources to procure additional funding for alternative education in Puerto Rico.

(h) Administrative and/or operating expenses required for the implementation of this chapter.

(i) Any other use related to the purposes of this chapter.

18 L.P.R.A. § 3820. Reports.

The alternative education entities shall submit annual reports to the Alternative Education Commission, which, in turn, shall draft another annual report with the information received, to be submitted to the Governor and the Legislative Assembly of Puerto Rico, on the transactions carried out and the manner in which the funds provided for herein have been used. Once the Commission has been constituted, it shall require alternative education entities to file a first report. After filing the first report, said entities shall file an annual report on or before September 30 of each year.

The Commission may require alternative education entities to file any other special report, provided it is requested fifteen (15) days in advance.

REGULATIONS

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.

2.b.1) Concepts

a) This process can only be used by the Principal when:

(1) he knows that student performance is out of compliance with Class II or Class III in accordance with the Children Act, or if the student is to be tried as an adult or is involved in an act that is establishing serious criminal offense, or

(2) when the Principal has grounds to believe that a student may be an actual or imminent harm to another student or other persons or school property.

3.a) Corrective or Disciplinary Methods for Informal Complaints

The Principal shall have power to impose the following corrective or disciplinary measures:

6) Suspension of one (1) to fifteen (15) school days.

3.b) Corrective or Disciplinary Methods for Formal Complaints

The Secretary of Education, or his authorized representative, shall have power to impose any disciplinary or corrective measures for which the Principal is authorized, plus those described below:

4) Expulsion - permanent separation of the Public Education System.

5.a.3. Misbehavior Against Institutional Order

a. Impeding or limiting other students from completing their homework- all students who obstruct or impede other students from doing their school work will incur this violation

c. Challenge Authority - a student is in violation if they disobey a directive or direct order for lawful purposes and that has been issued by a person with authority to do so. [...]

j. Mutiny - It is a violation when two or more students working together, without legal authorization, make use of force and violence to disturb the institutional peace or threaten to use force or violence accompanied by the ability to do it.

5.a.5. Corporal Offense

a. Assault- Assault - anyone who employs force or violence against another person to do harm.

b. Mutilation - any student who illegally and maliciously deprives or disables and disfigures a person or a body part.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

3 L.P.R.A. § 9802c. Duties and responsibilities of the Secretary of Education.

(a) The Secretary shall be responsible for the effective and efficient administration of the Public Education System in accordance with the law, the duly-established education policy, and the public policy adopted by the Legislative Assembly and the Governor, in order to achieve the purposes set forth in the Constitution of Puerto Rico and in this chapter for the Public Education System.

(b) The Secretary shall:

(60) Establish, in accordance with §§ 4001 et seq. of Title 18, the Drug-Free and Weapon-Free School Program, for the purpose of promoting a peaceful and safe environment within the schools and school zones of the Public Education System.

3 L.P.R.A. § 9809c. Possession of weapons and controlled substances in schools.

Any student who introduces, distributes, gifts, sells, or possesses any type of firearm or controlled substance, classified as such in §§ 2101 et seq. of this Title 24, known as the "Controlled Substances Act of Puerto Rico", within the school or its surroundings, shall be suspended by the Secretary for a period not to exceed one (1) year according to the particular circumstances of each case and the procedures prescribed by regulations. For purposes of this section, "any type of weapon" shall include all the weapons included in §§ 455 et seq. of Title 25, known as the "Puerto Rico Weapons Act", or any other successor and/or federal law.

"School surroundings" shall be understood as a perimeter of one hundred (100) meters measured from the school premises as these are delimited by a fence or any other boundary marking. The Department, in conjunction with the concerned government agencies, shall provide the suspended student with alternative education options for the duration of the suspension and, once the suspension has ended, shall place the student in the appropriate level and grade. The legal provisions in effect in our code of laws shall be applied if necessary.

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

(1) To receive an education directed to the full development of their personality, intellectual capacities, as well as strengthening human beings and their fundamental freedoms.

(2) Special education programs shall promote the optimum development of the personality, as well as the physical, mental, and cognitive abilities of special needs students by providing them with an education and the tools for their integration into society.

(3) Parents shall have the right and the obligation to be informed of their children's academic performance as well as the responsibility to ensure their children's compulsory school attendance.

(4) Students shall have the right to know the evaluation process criteria to which they shall be subjected when their school work is graded and evaluated; and to be notified of their academic progress.

(5) Students shall have the right to a bilingual education that teaches them to communicate fluently in English and Spanish, at the very least, which are the two official languages of Puerto Rico.

The parents of students who are unemancipated minors or, in default thereof, their guardian or custodian, may inform the Department of Education of their desire to provide the student with instruction in English. To such effects, they may request admission to any of the specialized schools for said purpose subject to seat availability and following the rules and regulations of the Department.

(6) Freedom of Expression.- Every student shall have the right to express his opinions as well as to orderly and respectfully disagree with the opinions of his teachers and other school personnel. School authorities shall identify and provide spaces or areas to be used by students to place notifications or comments regarding any school issue, subject to the rules established in the Department of Education's General Student Regulations in effect. Under no circumstances shall the order established in the classrooms and on school grounds be altered.

(a) No public school, on its own or through employees or third parties, shall punish, retaliate, or impose disciplinary or discriminatory measures against any student who chooses to participate in military, paramilitary, or quasi-military activities or courses approved by the state or federal government or educational entities.

(7) Freedom of Religion.- The education provided in the schools of the State shall be free and nonsectarian.

(8) Equal Protection of the Laws.- Every student shall have the right to equal protection of the laws.

(9) Student education records and conduct in school: privacy, access, and disclosure.- Education records and other related documents as well as the performance, conduct, attendance, health, interaction with other members of the school community, personal appearance, personal care, and the attention of parents or guardians, or any other fact or circumstance involving the student within the school grounds shall be confidential. The records and related documents shall be kept in the custody of the School Principal.

No official of the Department of Education shall be authorized to disclose, by any means, the information that has been determined to be confidential by virtue of this chapter, unless the father or mother with parental rights or the legal guardian has issued an express and written consent. The student, father, mother with parental rights, or custodians and guardians shall have the right to request a copy of the education record. Access to these records shall be subject to the pertinent laws on the protection of confidential documents; persons not listed in this subsection shall be denied access to the student's education records, unless there is a court order to such effect.

The prohibition to disclose confidential information does not include information shared by officials of the Department of Education, the Department of the Family, and the Department of Justice, or any other government entity in the course and performance of their duties, or any information requested by a court order. Moreover, the disclosure of information to acknowledge the academic achievements of the student is hereby exempt from this limitation.

(10) Right to a free and safe education.-

(a) Education shall be free and accessible in the primary and secondary school levels to every public school student between the ages of five (5) and twenty-one (21).

(b) Students shall have the right to enjoy a safe school environment; free from the illegal use and trafficking of drugs and weapons; and free from any type of attack to their physical, mental, or emotional integrity.

(c) Students shall have the right to an education free from discrimination, abuse, and neglect.

(d) The right to receive equal opportunities to enroll in the public education system shall be recognized and guaranteed to any student who lives in Puerto Rico, regardless of race, color, sex,

age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation and gender identity, and immigration status. Public schools may not deny or reject students from enrolling in school on account of immigration status or failure to provide proof of lawful presence in Puerto Rico. No student or his family members shall be inquired about the immigration status of a student, his parents, or custodians.

(11) Curriculum.- Public schools shall implement a curriculum that fully develops the intellectual, imaginative, and emotional capabilities of students. Public schools shall also develop student's abilities pertaining to the sound coexistence of human beings as indispensable members of society. Said curriculum shall promote student's analytical skills and thought, disregarding the tradition of memorizing and reciting unnecessary information. Moreover, schools shall promote the development of values and dignity in human beings.

(12) Special education and reasonable accommodation.- Every student who has a physical or mental disability or has special needs shall have the right to receive services as are necessary according to their condition, and to be guaranteed reasonable accommodation consistent with their needs, as established in §§ 1351 et seq. of this title, known as the "Integral Educational Services for Persons with Disabilities Act", and the agreement of the class action Rosa Vélez v. Departamento de Educación, KPE1980-1738. If a student has a disability or a medical condition said student shall have the right to have private information remain confidential, pursuant to federal and state laws in respect thereof.

(13) Disciplinary actions.- The student shall have the right of due process in any disciplinary procedure. Disciplinary actions shall be carried out in accordance with the provisions of the Department of Education's General Student Regulations in effect. As part of the due process of law, students shall be granted the following rights:

(a) To be notified of the infraction and the sanction to be imposed. The foregoing shall be notified to the parents, guardian, or custodian of the student, and in the case of students of legal age, they shall be directly notified.

(b) To be given the opportunity to be heard before any sanction is imposed.

(c) To be judged by an impartial and competent person.

(d) To have knowledge of the student regulations, which shall be a public and accessible document to all students.

(14) Every student shall have the right to receive an education of excellence.

(15) Every student shall have the right to be considered an active learner and capable of social interaction within his social environment.

(16) Every student shall have the right to be heard and to have his opinions fully respected; he shall also have the obligation to hear and respect the opinion of others.

REGULATIONS

Regulation Num. 8115. Article IX, E. Entries and searches.

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students.

[...]

2. Procedure

The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:

b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student's innocence or guilt will be determined independently later.

Regulation Num. 8115. Article IX, G Infractions and Corrective or Disciplinary Measures.

5.a.3) Offenses Against the Institutional Order .

i) Alteration to Peace - any student who voluntarily conducts any of the following acts:

(3) Carry, remove, or display any weapon, firearm, or object intended to attack that could cause harm to others or school property. It will be aggravated if done violently, angry or threatening.

(4) Use or threaten with a knife, fire, or object intended to attack or defend that could cause harm to others or school property in a fight. Student is deemed an aggressor if it is done in violent behavior, angry or threatening manner

(5) [...] If found to have committed this offense the student is liable for suspension of a period not exceeding six (6) to ten (10) school days. Given extenuating circumstances, the sanction could be reduced to a suspension for a period of one (1) to five (5) days. If aggravating circumstances, the sanction may be increased to suspension for a period of eleven (11) to fifteen (15) school days.

l) Possessing introducing, transporting, selling, exchanging, giving away or distributing weapons, fire, materials, equipment or articles intended to attack, for defense, or cause damage - a student guilty of this violations is one who possesses, enters, transports, sells, trades, gives away or distributes weapons, fire, materials, equipment or articles intended to attack or for defense, which includes, but not limited to guns, "pellet" guns, paintball guns, brass knuckles, exaggerated chains or necklaces on school grounds, a hundred meters around the school, school activities, at any branch of the Department of Education or the means of transportation provided by the Department of Education.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

3 L.P.R.A. § 9801c. Compulsory school attendance.

(a) School attendance shall be compulsory for students between the ages of five (5) and (18), except for: students participating in an elementary or secondary alternative education program or its equivalent; students enrolled in a high school equivalency program for adults or other programs that prepare students to be readmitted to a regular school; or students who have taken the GED test.

(b) Public school students are hereby prohibited from leaving the school grounds during school hours or during any recess. The School Principal and the student's teacher shall be jointly accountable for unexcused absences of said nature and their evaluations shall state so if they fail to prove that clear and

convincing efforts were taken to prevent such absences. It is hereby provided that the Secretary shall be required to prescribe by regulations to such effect, the procedure to authorize students to leave the school grounds during school hours. Such regulations shall contain, at least, one provision regarding the express authorization of a parent, guardian, or custodian.

(c) Any student's parent, guardian, or custodian who encourages, entices, or allows such student to be absent from school for a period equal to or greater than three (3) consecutive days without just cause, or who fails to meet his responsibility of causing the child to attend school, and after receiving a notice of non-compliance, shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) or a minimum period of one hundred (100) hours of community service at the institution the student for whom he is responsible attends, or both penalties at the discretion of the court. Said person shall also be guilty of a civil infraction that may entail the cancellation of benefits under the Nutrition Assistance Program, the Public Housing Program, and the Affordable Housing Program. Each school shall develop a strategic plan to prevent student's excessive absences from the classroom.

(d) All students shall be enrolled in an educational program until they finish high school or its equivalent. Every student's parent, guardian, or custodian shall be responsible for the student's compulsory school attendance, as provided in this section.

(e) The Secretary, in conjunction with Regional Superintendents and school principals, shall establish the methods or procedures to be used by Regional Offices of Education to implement the provisions regarding student's compulsory school attendance, through regulations that shall include, among others, the following:

(1) The School Principal's responsibility for the enforcement of compulsory school attendance.

(2) A daily attendance record of the school's students. Schools shall use the electronic media established by the Department to record students' class attendance.

(3) An attendance notification system for parents. Said notifications shall be sent on a monthly basis, and in the case of pattern absences, parents shall be notified weekly.

(4) The steps to be taken by the school to address student attendance problems.

(5) Incentives to every student's parent, guardian, or custodian discharging his responsibility regarding the student's compulsory school attendance.

(f) At the end of each semester, the Secretary shall submit a "Report on School Dropout in Puerto Rico". The information therein shall be presented in a manner that is clear and easy to understand for the general public. Said report shall be submitted to the Governor, the Legislative Assembly through the Office of the Clerk of the House of Representatives and the Office of the Secretary of the Senate, and the Puerto Rico Institute of Statistics. In addition, the report shall be available on the Department's website. The same shall include, but shall not be limited to, the total dropout rates by grade level for every education region and for each school; the High School Equivalency Test pass rate; data on transfers, expulsions, suspensions, and absenteeism; and any other pertinent information in connection with the academic progress of students. Furthermore, the Secretary shall make available on the Department's website every month, each school's attendance report, which shall be reported in accordance with regulations.

(g) The Puerto Rico Institute of Statistics is hereby designated as the authorized representative of the Department for the purpose of sharing students' information with the Institute, safeguarding the confidentiality rights of students pursuant to § 9801d of this title.

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All

students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

- (1) To receive an education directed to the full development of their personality, intellectual capacities, as well as strengthening human beings and their fundamental freedoms.
- (2) Special education programs shall promote the optimum development of the personality, as well as the physical, mental, and cognitive abilities of special needs students by providing them with an education and the tools for their integration into society.
- (3) Parents shall have the right and the obligation to be informed of their children's academic performance as well as the responsibility to ensure their children's compulsory school attendance.
- (4) Students shall have the right to know the evaluation process criteria to which they shall be subjected when their school work is graded and evaluated; and to be notified of their academic progress.
- (5) Students shall have the right to a bilingual education that teaches them to communicate fluently in English and Spanish, at the very least, which are the two official languages of Puerto Rico.

The parents of students who are unemancipated minors or, in default thereof, their guardian or custodian, may inform the Department of Education of their desire to provide the student with instruction in English. To such effects, they may request admission to any of the specialized schools for said purpose subject to seat availability and following the rules and regulations of the Department.

(6) Freedom of Expression.- Every student shall have the right to express his opinions as well as to orderly and respectfully disagree with the opinions of his teachers and other school personnel. School authorities shall identify and provide spaces or areas to be used by students to place notifications or comments regarding any school issue, subject to the rules established in the Department of Education's General Student Regulations in effect. Under no circumstances shall the order established in the classrooms and on school grounds be altered.

(a) No public school, on its own or through employees or third parties, shall punish, retaliate, or impose disciplinary or discriminatory measures against any student who chooses to participate in military, paramilitary, or quasi-military activities or courses approved by the state or federal government or educational entities.

(7) Freedom of Religion.- The education provided in the schools of the State shall be free and nonsectarian.

(8) Equal Protection of the Laws.- Every student shall have the right to equal protection of the laws.

(9) Student education records and conduct in school: privacy, access, and disclosure.- Education records and other related documents as well as the performance, conduct, attendance, health, interaction with other members of the school community, personal appearance, personal care, and the attention of parents or guardians, or any other fact or circumstance involving the student within the school grounds shall be confidential. The records and related documents shall be kept in the custody of the School Principal.

No official of the Department of Education shall be authorized to disclose, by any means, the information that has been determined to be confidential by virtue of this chapter, unless the father or mother with parental rights or the legal guardian has issued an express and written consent. The student, father, mother with parental rights, or custodians and guardians shall have the right to request a copy of the education record. Access to these records shall be subject to the pertinent laws on the protection of confidential documents; persons not listed in this subsection shall be denied access to the student's education records, unless there is a court order to such effect.

The prohibition to disclose confidential information does not include information shared by officials of the Department of Education, the Department of the Family, and the Department of Justice, or any

other government entity in the course and performance of their duties, or any information requested by a court order. Moreover, the disclosure of information to acknowledge the academic achievements of the student is hereby exempt from this limitation.

(10) Right to a free and safe education.-

(a) Education shall be free and accessible in the primary and secondary school levels to every public school student between the ages of five (5) and twenty-one (21).

(b) Students shall have the right to enjoy a safe school environment; free from the illegal use and trafficking of drugs and weapons; and free from any type of attack to their physical, mental, or emotional integrity.

(c) Students shall have the right to an education free from discrimination, abuse, and neglect.

(d) The right to receive equal opportunities to enroll in the public education system shall be recognized and guaranteed to any student who lives in Puerto Rico, regardless of race, color, sex, age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation and gender identity, and immigration status. Public schools may not deny or reject students from enrolling in school on account of immigration status or failure to provide proof of lawful presence in Puerto Rico. No student or his family members shall be inquired about the immigration status of a student, his parents, or custodians.

(11) Curriculum.- Public schools shall implement a curriculum that fully develops the intellectual, imaginative, and emotional capabilities of students. Public schools shall also develop student's abilities pertaining to the sound coexistence of human beings as indispensable members of society. Said curriculum shall promote student's analytical skills and thought, disregarding the tradition of memorizing and reciting unnecessary information. Moreover, schools shall promote the development of values and dignity in human beings.

(12) Special education and reasonable accommodation.- Every student who has a physical or mental disability or has special needs shall have the right to receive services as are necessary according to their condition, and to be guaranteed reasonable accommodation consistent with their needs, as established in §§ 1351 et seq. of this title, known as the "Integral Educational Services for Persons with Disabilities Act", and the agreement of the class action Rosa Vélez v. Departamento de Educación, KPE1980-1738. If a student has a disability or a medical condition said student shall have the right to have private information remain confidential, pursuant to federal and state laws in respect thereof.

(13) Disciplinary actions.- The student shall have the right of due process in any disciplinary procedure. Disciplinary actions shall be carried out in accordance with the provisions of the Department of Education's General Student Regulations in effect. As part of the due process of law, students shall be granted the following rights:

(a) To be notified of the infraction and the sanction to be imposed. The foregoing shall be notified to the parents, guardian, or custodian of the student, and in the case of students of legal age, they shall be directly notified.

(b) To be given the opportunity to be heard before any sanction is imposed.

(c) To be judged by an impartial and competent person.

(d) To have knowledge of the student regulations, which shall be a public and accessible document to all students.

(14) Every student shall have the right to receive an education of excellence.

(15) Every student shall have the right to be considered an active learner and capable of social interaction within his social environment.

(16) Every student shall have the right to be heard and to have his opinions fully respected; he shall also have the obligation to hear and respect the opinion of others.

18 L.P.R.A. § 3803. Duties and responsibilities of students, parents, guardians, and school authorities.

- (1) Observe the laws, regulations, circular letters, rules, instructions, and directives issued by academic authorities.
- (2) Be punctual and attend school regularly as well as behave appropriately during school hours, recess, and other school activities, whether they are held inside or outside the school.
- (3) Preserve, take care of, protect, and avoid damaging public property, equipment, books, or school supplies.
- (4) To refrain from interrupting class.
- (5) To refrain from coercing other students into participating in a particular mode of expression, or from violating the right of other students to dissent from their points of view.
- (6) Parents or guardians shall be responsible for the punctuality and regular school attendance of their unemancipated minors, and for notifying school authorities of the existence of any circumstance that warrants their absence.
- (7) Parents or guardians shall be responsible for repairing any damages caused by their unemancipated minors to public property, equipment, or school supplies. In the case of a student who is of legal age or emancipated, he shall personally assume responsibility for the damages caused.
- (8) Parents or guardians of a minor shall be responsible for updating their contact information in the event that school authorities should need to contact them. This information shall include, but not necessarily be limited to, the parent's home and/or work address; the home, work, or cell phone number of both parents, and contact information of a relative or person trusted by the parents, in the event that parents cannot be immediately contacted during an emergency. This information shall be kept in a safe place and shall only be accessed by the school principal, his secretary, the school guidance counselor, or the school social worker.
- (9) If a student is absent for more than three (3) consecutive days without any justification whatsoever, it shall be the responsibility of the school authorities to contact the parents or guardians of said student to determine the cause of said absences.
- (10) The duties and responsibilities set forth in this Section shall not be construed as limiting or excluding any other right, duty, or responsibility that the school may grant or require of students.

REGULATIONS

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students.

1. Authorized officials

a. Will have legitimacy to perform the entries and searches the following officials:

- 1) The School Principal
- 2) The teacher
- 3) The school's officer
- 4) Law Enforcement Officer

1. Concepts

d. Corporal punishment is prohibited. Reasonable force will only be justified when it is essential to prevent bodily harm to others or to the offending student himself, as well as to avoid damages to student property. In these cases you will need to call the police, policeman, school security officer or other public official so that he may proceed to engage in corresponding charges.

Regulation Num. 8502. Article III. Definitions.

For the purposes of this regulation, the following terms and phrases shall have the definitions set forth below:

1. Unjustified Absences: This occurs when a student is absent from school or a school activity without a justified reason, as a parent, guardian, or custodian has not justified the absence in writing within 5 days.
2. Regular Absences: occurs when a student is absent from school or a school activity for more than 2 non-consecutive days a week.
3. Justified Absences and Tardiness: action consists of being absent from school for reasons of: health, pregnancy, hospitalization, court hearing, administrative hearing, death of a relative within the fourth degree of consanguinity or second degree of affinity, home emergency, as long as these situations are not recurrent, and any other situation that the director considers reasonable. The student shall submit the appropriate certification or excuse to justify his or her absence or tardiness. For example, medical certification, certification of hospitalization, death certificate, certification of appearance in court, among others. Excused absences or tardiness become suspicious when they occur in three (3) or more occasions in one school month for a term of three (3) or more consecutive months. In the case described above, the teacher should begin the procedure laid down in Article 4. 3. A.
4. Valid reason for absences in a class: when authorized officer requires the student to remain in another class, in an official school activity or appointment, in which case the school official will provide a written excuse to student before the teacher from course that the student will miss.
5. Cutting class: time a student is absent without justified cause to any of the courses in which her or she are enrolled.
6. Pattern of unexcused absences: When a student accumulates ten (10) or more unexcused absences or cutting class during the school year.
7. Support Personnel: refers to the social worker or school counselor who serves as facilitators in the school community.
8. Behavior problems: those aspects of attitudinal or of behavior that a student presents with measurable frequency, duration, and intensity that interrupt the processes in a classroom or within the context of the campus and that are related to biopsychosocial problems.
9. Discipline problems: those attitudinal aspects that disrupt the processes in a classroom or within the context of the campus, that violate the norms, rules, and institutional order, which alters the student-teacher relationship and affects performance of both the student and the teacher.
10. Program of Interdisciplinary Services for School Coexistence (SICE in Spanish): program for students that demonstrate behavioral problems as a pattern of antisocial behavior, violate institutional rules, challenge authority, exhibit aggressive behavior, or are at risk of leave school, among others. This referral is made after the school has exhausted all institutional efforts.

Regulation Num. 8502. Article IV. Procedure.

1. Teachers will follow the guidelines provided in Circular Letter 16-2013-2014, or the current circular letter, that establishes the procedure to be followed in implementing school retention norms of the Department of Education.
2. The school principal shall require teachers to keep a daily record of the students enrolled in the course and supervise the maintenance of this daily record of student attendance.
3. Next, the actions to follow according to the pattern of unjustified absences by the student.

A. 2 to 4 days

Responsible Person: Teacher

1. Notify the school principal and support staff on the student's unjustified absences.
2. Will carry out an investigation in which the teacher will consult with the team of teachers to check if the student's behavior is repetitive in other classes and, if deemed appropriate, will interview collaterals.
3. Contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.
4. Will meet and discuss with the student alternatives to avoid incurring unjustified absences.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

1. The teacher will notify the unjustified absences in writing to the school principal and support staff.
2. The support staff will conduct an investigation in which he or she shall consult the team of teachers to see if the behavior is repetitive in their other classes and, if deemed appropriate, interview collaterals.
3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.
4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.
5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.
6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.
7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.
8. Similarly, the support staff will provide parents, guardians, or custodians a copy of Section 1.03 of the Law 149-1999, as amended, which provides that school attendance is compulsory and the corresponding actions regarding non-compliance with that Article.
9. Also, the support staff will ensure guidance to parents, guardians and custodians about Article IV subsection (c) and (d) of Regulation 8115 of December 8, 2011, known as General Student Regulations

for the System of Education of Puerto Rico, and the public policy regarding the active integration of parents and guardians in the educational process in the schools of the Department of Education.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

1. The teacher will inform in writing to the school principal and support staff on the pattern of unjustified absences by the student.
 2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary.
 3. The support staff or the school principal will refer, if necessary, the case to the Program of Interdisciplinary Services for School Coexistence (SICE) of educational region to which it belongs. This action will be taken once all the institutional remedies have been exhausted.
 4. The school principal shall report in writing and refer to the corresponding social welfare agencies and the Prosecutor of the Department of Justice those parents, guardians, and custodians who fail to comply with the Intervention Plan Agreement. This process will be done in accordance with the table entitled "Notification of the Agencies."
 5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).
4. In the case that the school doesn't have support staff assigned, in line with the steps set out in the table above and according to the number of absences by the student, the school principal shall be responsible for performing all procedures delegated to the support staff.
 5. The teacher will be responsible for registering in the Student Information System (SIE) the student has accumulated ten (10) or more unjustified absences or cuts of classes during the school year.
 6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.
 7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.
 8. Notice to social welfare agencies and the Department of Justice will be done to the following offices:
 - Agency: Family Department (DF)
 - Legal Justification: Law 246-2011, Article 3, subsection (z), Article 5, subsection (7)
 - Place of Referral: Central Office of the DF
 - Program Office: Protection of Minors
 - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
 - Place of Referral: Central Office of the DF
 - Program Office: Nutritional Assistance Program (PAN)
 - Agency: Public Housing Administration
 - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
 - Place of Referral: Central Office of Housing
 - Program Office: Public Housing
 - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
 - Place of Referral: Central Office of Housing

Program Office: Housing with Subsidy

Agency: Justice Department

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)

Place of Referral: Judicial Region where the facts occurred

Program Office: Prosecutor of the Judicial Region

9. Failure to comply with the provisions of this regulation by the Education Department officials will lead to a disciplinary process under the provisions established by the laws and regulations applicable to the Agency and the State.

10. Article 3.06 of the Law 22-2000, as amended, known as the "Vehicle and Traffic Law of Puerto Rico" provides that a person over sixteen (16) years but less than eighteen (18) years must meet the requirement of compulsory school attendance, as established by Law 149-1999. The Department of Transportation and Public Works may deny the issuance of the learner's permit or driving license to drive motor vehicles to the student who does not meet the requirement in this subsection.

Substance Use

LAWS

3 L.P.R.A. § 9809c. Possession of weapons and controlled substances in schools.

Any student who introduces, distributes, gifts, sells, or possesses any type of firearm or controlled substance, classified as such in §§ 2101 et seq. of this Title 24, known as the "Controlled Substances Act of Puerto Rico", within the school or its surroundings, shall be suspended by the Secretary for a period not to exceed one (1) year according to the particular circumstances of each case and the procedures prescribed by regulations. For purposes of this section, "any type of weapon" shall include all the weapons included in §§ 455 et seq. of Title 25, known as the "Puerto Rico Weapons Act", or any other successor and/or federal law.

"School surroundings" shall be understood as a perimeter of one hundred (100) meters measured from the school premises as these are delimited by a fence or any other boundary marking. The Department, in conjunction with the concerned government agencies, shall provide the suspended student with alternative education options for the duration of the suspension and, once the suspension has ended, shall place the student in the appropriate level and grade. The legal provisions in effect in our code of laws shall be applied if necessary.

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

(10) Right to a free and safe education.-

(a) Education shall be free and accessible in the primary and secondary school levels to every public school student between the ages of five (5) and twenty-one (21).

(b) Students shall have the right to enjoy a safe school environment; free from the illegal use and trafficking of drugs and weapons; and free from any type of attack to their physical, mental, or emotional integrity.

REGULATIONS

Regulation Num. 8115. Article IV. Student Duties and Obligations.

I. Norms

6. It is prohibited for students to possess, transport, carry, or use knives, guns, explosives, sharp objects, any object meant to attack or defend oneself, including but not limited to "pellet" guns, paintball guns, brass knuckles, exaggerated chains or necklaces, drugs, alcoholic beverages, cigarettes, pipes, tobacco, CDs or cassettes with obscene content, or any object or substance prohibited or illegal within school grounds. The student should know that if there are grounds to believe that he or any other student is carrying any of these, he will be searched followed the establish procedure in Article IX, section E.

Regulation Num. 8115. Article IX, E. Entries and searches.

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students.

[...]

2. Procedure

- a. The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:
- b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student's innocence or guilt will be determined independently later.

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

3 L.P.R.A. § 9809f. Bullying.

The bullying, harassment, or intimidation of students is hereby strictly prohibited within the school property or grounds and in its surrounding areas, during school sponsored activities, and/or in school buses.

- (a) Bullying.- For a situation or disciplinary incident to be classified as bullying, the following elements must be present: (1) a continuous, repetitive, and intentional pattern of verbal, written, or physical acts by one or more students; (2) intended to cause harm or discomfort; and (3) where there is an imbalance of power whether real or perceived by the victim. Incidents of interpersonal violence or peer conflicts at the school where the aforementioned elements are not present shall not be classified as bullying.

(b) Cyberbullying.- Bullying may also be carried out through electronic communications or messaging including, but not limited to, text messages, emails, photographs, images, and social media posts using electronic devices such as telephones, mobile phones, computers, and tablets, among others.

(c) Duty to notify.- Any person who is aware of a bullying situation between students shall notify the school staff in order for the latter to make the pertinent evaluation and determination as to whether such case shall be classified as bullying. If, based on the evaluation, it is determined that there was no bullying, a written document shall be submitted to such effect including the grounds for such decision and the supporting evidence. The school staff shall report to the pertinent law enforcement authorities any bullying cases where the safety and wellbeing of the student or school community is threatened. Moreover, precautionary measures shall be taken as appropriate. These actions must be taken in conjunction with the regional staff, provided that the circumstances so allows, while following the protocols established by law or regulations.

(d) Resolving incidents.- In general, cases of bullying shall be addressed by school staff in order to repair the damage caused, thus restoring any strained relationships between school community members, and rehabilitating the parties involved while following the applicable protocols and regulations. If necessary, the process to refer the situation to the relevant authorities shall begin.

(e) Cases involving special education students.- Educational institutions shall be governed by the disciplinary procedures contained in the "Special Education Procedures Manual" whenever a student registered in the Department's Special Education Program is involved in a bullying case.

(f) Duty to inform.- The Secretary shall inform the students of the Public Education System about the provisions of this chapter and/or the regulations or rules related to the ban on bullying, through the authorized staff. The Secretary is hereby authorized to make these documents available to any private school in Puerto Rico in order to comply with the public policy set forth in our code of laws to eliminate harassment and intimidation from our educational institutions.

(g) Any student, staff member, or volunteer of a public school who submits a report, in good faith, containing an account of a bully harassing or intimidating another student shall be protected from any harm or retaliation resulting from reporting such incident.

(h) The Regional Superintendent, in conjunction with the School Principals and School Councils, shall provide public school employees and students with an opportunity to participate in training programs, activities, and workshops designed and developed to acquire the knowledge and tools related to the public policy set forth in this section on harassment and intimidation between students or school staff. Likewise, social workers and professional counselors shall have the responsibility to advise students on harassment and intimidation and shall offer counseling to both the bullying victims and the bullies.

(i) The Secretary shall submit an annual report to the Legislative Assembly, per school, on the bullying cases reported.

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

(10) Right to a free and safe education.-

(a) Education shall be free and accessible in the primary and secondary school levels to every public school student between the ages of five (5) and twenty-one (21).

(b) Students shall have the right to enjoy a safe school environment; free from the illegal use and trafficking of drugs and weapons; and free from any type of attack to their physical, mental, or emotional integrity.

(c) Students shall have the right to an education free from discrimination, abuse, and neglect.

(d) The right to receive equal opportunities to enroll in the public education system shall be recognized and guaranteed to any student who lives in Puerto Rico, regardless of race, color, sex, age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation and gender identity, and immigration status. Public schools may not deny or reject students from enrolling in school on account of immigration status or failure to provide proof of lawful presence in Puerto Rico. No student or his family members shall be inquired about the immigration status of a student, his parents, or custodians.

18 L.P.R.A. § 3961. Establishment.

This chapter shall be known and may be cited as the "Government of Puerto Rico Anti-Bullying and Harassment Act", also known as the "Alexander Santiago- Martínez Act".

18 L.P.R.A. § 3961a. Applicability.

This chapter shall be applicable to the public schools of the Department of Education; private educational institutions, and all higher education institutions, as they are defined in Reorganization Plan 1-2010, as amended.

18 L.P.R.A. § 3961b. Definitions.

For the purposes of this chapter, the following terms and phrases shall have the meanings expressed below:

(a) Harassment or intimidation and/or bullying.- Any pattern of intentional behavior, whether it is emotional or physical abuse or carried-out through electronic means or social media, which has the effect of frightening a student or group of students and interfering with his or their school opportunities and performance, in the classroom, school grounds, as well as in his or their immediate social environment. Harassment, intimidation, and/or bullying is a pattern of harassment that constitutes more than one act, whether continuous or not, over a period that usually lasts weeks, months, and even years.

(b) Harassment and intimidation through any electronic means or through the use of the internet and/or cyberbullying.- The use of any means of electronic, verbal, written, visual, or textual communication for the purpose of harassing, disturbing, intimidating, and bothering a student or group of students; that usually has the effect of physically or emotionally harming the affected student, and/or damaging his property, and causes unwanted disruptions with regards to the affected student's opportunities, performance, and benefits. Cyberbullying has a severe negative effect and impact on the educational environment even when it takes place outside of the school or immediate school environment.

18 L.P.R.A. § 3961c. Liaison officials; training programs and workshops.

The Department of Education, the Private Schools Association, the Department of the Family, the Department of Health, the Department of Justice, the Puerto Rico Police, and the Association of School Psychology of Puerto Rico shall have liaison officials in charge of handling cases of harassment and/or bullying in order to work cases from both public schools and private institutions. Furthermore, such departments and associations shall develop training programs and workshops on harassment and intimidation or bullying in public and private schools as well as higher education institutions to train teaching personnel, non-teaching personnel, parents, and students on bullying prevention, identification, and management strategies.

18 L.P.R.A. § 3961d. Lead agency.

The Department of Education shall be the lead agency in charge of coordinating the efforts to create the Institutional Protocol for the Management of School Harassment, to be implemented in our public schools, and enforcing compliance therewith.

18 L.P.R.A. § 3961e. Protocol to manage cases.

The Department of Education shall design a protocol to manage harassment and/or bullying cases internally which shall be used in public schools.

Every public, private, and higher education institution shall develop and implement an Institutional Protocol for the Management of School Harassment that includes the following factors:

- (a) Objective;
- (b) Justification;
- (c) Definition and Description of bullying and cyberbullying;
- (d) Institutional Expectations and Policy;
- (e) Responsibilities of the members of the education community in what pertains to bullying in schools;
- (f) Prevention Strategies;
- (g) Protocol disclosure procedure;
- (h) Case documentation, confidentiality, and records management procedures;
- (i) Case reporting procedures;
- (j) Strategies to investigate reported cases;
- (k) Intervention strategies and penalties;
- (l) Follow-up strategies; and
- (m) Guidelines for referrals to healthcare professionals.

18 L.P.R.A. § 3961g. Protocol to manage cases - Agency in charge to oversee compliance.

The Department of State of Puerto Rico shall be the agency in charge of overseeing compliance with this Protocol in private and higher education institutions. Every institution shall be required to report any harassment and/or bullying incident within any of its facilities or campuses to the Department of State, pursuant to the procedure established in the Protocol.

18 L.P.R.A. § 3961i. Statistics.

It shall be the duty of every primary, secondary, higher education institution, and university, whether public or private, to collect statistics on harassment and/or bullying cases that occur during the school year. Said statistics shall be submitted through annual reports filed not later than July 1st of every year with the Department of Education, in the case of public schools, and to the Department of State of Puerto Rico, in the case of higher education and private institutions.

REGULATIONS

No relevant regulations found.

Dating and Relationship Violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

No relevant laws found.

REGULATIONS

Regulation Num. 8115. Article IX, B. School security.

1. Appoint a Commission of Support for the Central level, a Council Support in school districts, and School Safety Committee in schools, as shown in the Manual for School Safety Support.

Multi-tiered Frameworks and Systems of Support

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention

LAWS

18 L.P.R.A. § 9. Students.

Every student in the public education system has the right to:

- (a) Receive an education that fosters the full development of his/her personality and the strengthening of respect toward human rights and the fundamental freedoms within a safe environment.
- (b) Spend his/her school day in a safe environment that is free from undue pressures related to school violence.
- (c) Receive orientation and a copy of the General Student Regulations of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
- (d) Be informed of the violent situations that have taken place in the school environment in order to remain alert thereto.
- (e) Enjoy broad and diverse opportunities for intellectual and artistic creativity and expression.
- (f) Be treated with fairness and equality and to develop within an environment of freedom, solidarity and full respect for human rights.
- (g) Be guaranteed safety, physical integrity and anonymity when reporting an act of violence he/she has witnessed to the school security authorities.
- (h) Receive the necessary tools for the constructive management of emotions and for verbal non-violent conflict resolution.
- (i) Receive orientation about the procedures to be followed in emergency situations, such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks.

18 L.P.R.A. § 13. Department of Education.

(d) To provide administrative support to achieve compliance with the school security plans established by the student councils. Said school security plans shall include initiatives directed toward:

- (1) Identifying the security needs of the schools.

(2) Providing clean physical facilities in a safe environment.

(3) Implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.

18 L.P.R.A. § 14. Students.

(a) General Regulations for the Students of the Puerto Rico Public Education System.- Students shall try to resolve problems in non-violent ways and through dialogue. Maintain respect for their fellow students, their teachers and the school authorities.

(b) Students shall report any violent act, crime, vandalism and threat of which they become aware to the school director, a teacher or to a parent or guardian.

(c) Students shall actively participate in the crime prevention programs of their school.

(d) Students shall cooperate with the school administration in the identification of places that are conducive to delinquent behavior within the school.

(e) Students shall learn how to avoid becoming victims of a crime within the school. In order to achieve this, they shall stay away from dangerous places with poor lighting and visibility.

(f) Students shall seek help from any member of the school community when they face a situation that may turn out to be dangerous to their physical integrity or safety.

18 L.P.R.A. § 17. Elected officers and government agencies.

(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.

(b) Police officers and School Guards I and II shall be responsible for institutional order within one hundred (100) meters surrounding the school premises and in school sponsored activities, in accordance with the regulations established to such effects. It is necessary that these officers develop positive relationships with the components of the school community and exert maximum efforts to achieve a suitable environment for the development of the habit of responsibility and cooperation, and of sound school discipline.

(c) To give conferences and hold assemblies directed toward discussing topics such as school violence prevention, prevention of drug use in the schools, conflict management in the school environment, etc.

(d) Government agencies shall support and actively participate in school activities in order to promote a safe and wholesome environment.

(e) To support research projects directed toward the study of the school violence problem. The information from these research projects may serve as the foundation upon which to generate legislation or initiatives that reduce violence in our schools.

(f) To provide the necessary funds for the implementation of security initiatives in the schools, such as the installation of security devices, programs for monitoring the statistics of criminal and violent incidents in the schools, etc.

(g) To establish interagency collaborative agreements with federal agencies, municipalities and the private sector in order to promote school security.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

3 L.P.R.A. § 9802r. Psychologist; duties; certification.

School psychologists are professionals specialized in this field whose objective is analyzing, reflecting on, and intervening with human behavior in education-related situations, supporting students in overcoming the processes that affect their learning as well as their personal difficulties and their relations with their peers, families, and teachers. School psychologists shall also provide advice and assist the teaching staff in their teaching strategies, especially in the treatment of students with special educational needs and in conflict resolution.

School psychologists shall provide support and services directly to both the teaching staff and students. They shall make evaluations of the academic (achievement and knowledge), intellectual, and emotional areas. In addition, they shall create a student profile with their limitations and strengths for the purpose of helping teachers to use strategies that help the student in the learning process. School psychologists shall advise teachers in the search for new alternatives and facilitate adaptations as are necessary for the benefit of students. School psychologists may identify potential problems that students may have and intervene with them and, if necessary, refer the case to other health professionals.

School psychologists shall: (a) develop primary and secondary prevention strategies within the school context; (b) identify learning and developmental problems in students; (c) participate in interdisciplinary work groups for the development, implementation, and evaluation of programs in the school system; (d) administer and interpret psychological and psycho-educational tests, questionnaires, and inventories of students and teachers; and (e) advise teachers, parents, guardians, custodians, and administrators on the analysis, intervention, and implementation of strategies for solving school problems and conflicts.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

18 L.P.R.A. § 13. Department of Education.

- (a) To establish and promulgate the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations and give notice thereof by means of a copy and orientations to the parents and students of the public education system. Said regulations shall be adopted pursuant to §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico", and shall be filed immediately after approval thereof.
- (b) The administrative authorities, as well as the teaching and non-teaching personnel, shall have the duty to ensure compliance with the General Regulations for the Student of the Puerto Rico Public Education System and the Internal Security Regulations, especially provisions related to the codes of conduct and behavior.
- (c) To establish and promulgate the Crisis Management Strategic Plan for violent incidents in schools to give notice and copy there of to the parents, tutors and students of the Public Education System.
- (d) To provide administrative support to achieve compliance with the school security plans established by the student councils. Said school security plans shall include initiatives directed toward:
- (1) Identifying the security needs of the schools.
 - (2) Providing clean physical facilities in a safe environment.
 - (3) Implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.
- (e) To redesign those physical facilities whose conditions may influence the development of delinquent or violent activities. The schools should be designed in such a manner so as to prevent the free access of unauthorized persons into the schools and to promote that the school authorities be able to visually supervise student activities in all areas.
- (f) The Department of Education shall establish guidelines for the school directors to prepare a report on violent and non-violent incidents within the school premises. Using a standard format, the Director shall gather the information and analyze the data. Subsequently, the Director shall prepare a quarterly report of these findings and submit the same to the School Life Quality Program.
- (g) School authorities shall be responsible for coordinating with the Puerto Rico Police the installation of security devices such as video cameras and alarm systems in schools that are declared unsafe by the Department of Education.
- (h) The Department of Education shall be responsible for the training of the teaching and administrative personnel on how to manage students with discipline and violence problems. This training shall be based upon conflict management and the early identification of violent situations. The Department of Education is responsible for keeping all its personnel duly informed about the rules for security and violence prevention, so they may know which steps to take in a crisis situation.
- (i) The Department of Education shall promote the development of rapid response plans for crisis situations. Among these are plans for evacuation in case of fire, earthquakes, gas leaks and bomb or terrorist threats. Each component of the school system shall clearly understand its role in the crisis plan. The plan shall include a strategy for communicating with security agencies such as the Puerto Rico Police, the Firefighters Corps, Medical Emergencies [Corps.] and the Commonwealth Emergency

Management and Disaster Administration Agency. Moreover, a plan shall be established for communicating with the parents and the communications media in case of emergency.

(j) The Department of Education shall ensure compliance with the prevention and orientation programs directed toward the reduction of violent incidents and conflict management in the schools. These training programs shall emphasize problem solving, social interaction, peer pressure management, understanding of values and conflict management skills.

(k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

18 L.P.R.A. § 14. Students.

(a) General Regulations for the Students of the Puerto Rico Public Education System.- Students shall try to resolve problems in non-violent ways and through dialogue. Maintain respect for their fellow students, their teachers and the school authorities.

(b) Students shall report any violent act, crime, vandalism and threat of which they become aware to the school director, a teacher or to a parent or guardian.

(c) Students shall actively participate in the crime prevention programs of their school.

(d) Students shall cooperate with the school administration in the identification of places that are conducive to delinquent behavior within the school.

(e) Students shall learn how to avoid becoming victims of a crime within the school. In order to achieve this, they shall stay away from dangerous places with poor lighting and visibility.

(f) Students shall seek help from any member of the school community when they face a situation that may turn out to be dangerous to their physical integrity or safety.

18 L.P.R.A. § 3961e. Protocol to manage cases.

The Department of Education shall design a protocol to manage harassment and/or bullying cases internally which shall be used in public schools.

Every public, private, and higher education institution shall develop and implement an Institutional Protocol for the Management of School Harassment that includes the following factors:

(a) Objective;

(b) Justification;

(c) Definition and Description of bullying and cyberbullying;

(d) Institutional Expectations and Policy;

(e) Responsibilities of the members of the education community in what pertains to bullying in schools;

(f) Prevention Strategies;

(g) Protocol disclosure procedure;

(h) Case documentation, confidentiality, and records management procedures;

(i) Case reporting procedures;

(j) Strategies to investigate reported cases;

(k) Intervention strategies and penalties;

(l) Follow-up strategies; and

(m) Guidelines for referrals to healthcare professionals.

REGULATIONS

Regulation Num. 8115. Article IX, C. Institutional order.

2. Any member of the School Community shall inform the Director of any student or school-related persons' behavior that involves a possible violation of law, rules, school rules or guidelines, either by personal knowledge of the facts or information obtained. This applies to behavior occurring on school campus, one hundred (100) feet around, school-sponsored activities, in any branch of the Department of Education, and on school transportation.

3. The teacher will be responsible for institutional climate and fostering good student discipline. They will refer discipline issues to the Director of School Discipline, with all the evidence of interventions implemented, after it has exhausted all available resources such as, but not limited to: interviews with the student, with the guardian, with the interdisciplinary team or have referred the student to the classroom teacher, School Social Worker or School Counselor. After having evaluated the disciplinary situation, the Principal will determine those cases which it considers require immediate intervention or the Safety Committee.

Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.

1) Concepts:

a. Complaints are any claim alleging that a student of the Public Education System has violated the rules and/or duties that are imposed by the laws, regulations of the Public Education Department of Puerto Rico.

b. Anyone with knowledge of a student's violation has standing to file a complaint.

c. Complaints to be addressed through the procedure provided for in this Article shall be classified in informal and formal complaints. Informal complaints will be handled in school by the Principal. Grievances will be settled through an evidentiary hearing, chaired by an Examiner appointed by the Secretary, the process is carried out in the Legal Division of the Department of Education.

d. Disciplinary procedures applicable to special education students shall be governed by the provisions of the Manual of Procedures for Special Education.

e. You can only discipline a student belonging to the Special Education Program through the procedure provided for in this Regulation, if the Committee of Planning and Placement Team (PPT) has determined, pursuant to the process set forth in the Procedures Manual for Special Education that the student's conduct is not related to their condition.

f. To discontinue the complaint process the parties concerned must show that they have no interest in the process.

Regulation Num. 8502. Article IV. Procedure.

1. Teachers will follow the guidelines provided in Circular Letter 16-2013-2014, or the current circular letter, that establishes the procedure to be followed in implementing school retention norms of the Department of Education.

2. The school principal shall require teachers to keep a daily record of the students enrolled in the course and supervise the maintenance of this daily record of student attendance.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

A. 2 to 4 days

Responsible Person: Teacher

1. Notify the school principal and support staff on the student's unjustified absences.

2. Will carry out an investigation in which the teacher will consult with the team of teachers to check if the student's behavior is repetitive in other classes and, if deemed appropriate, will interview collaterals.
3. Contact you the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.
4. Will meet and discuss with the student alternatives to avoid incurring unjustified absences.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

1. The teacher will notify the unjustified absences in writing to the school principal and support staff.
2. The support staff will conduct an investigation in which he or she shall consult the team of teachers to see if the behavior is repetitive in their other classes and, if deemed appropriate, interview collaterals.
3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.
4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.
5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.
6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.
7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.
8. Similarly, the support staff will provide parents, guardians, or custodians a copy of Section 1.03 of the Law 149-1999, as amended, which provides that school attendance is compulsory and the corresponding actions regarding non-compliance with that Article.
9. Also, the support staff will ensure guidance to parents, guardians and custodians about Article IV subsection (c) and (d) of Regulation 8115 of December 8, 2011, known as General Student Regulations for the System of Education of Puerto Rico, and the public policy regarding the active integration of parents and guardians in the educational process in the schools of the Department of Education.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

1. The teacher will inform in writing to the school principal and support staff on the pattern of unjustified absences by the student.
2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary.

3. The support staff or the school principal will refer, if necessary, the case to the Program of Interdisciplinary Services for School Coexistence (SICE) of educational region to which it belongs. This action will be taken once all the institutional remedies have been exhausted.

4. The school principal shall report in writing and refer to the corresponding social welfare agencies and the Prosecutor of the Department of Justice those parents, guardians, and custodians who fail to comply with the Intervention Plan Agreement. This process will be done in accordance with the table entitled "Notification of the Agencies."

5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).

4. In the case that the school doesn't have support staff assigned, in line with the steps set out in the table above and according to the number of absences by the student, the school principal shall be responsible for performing all procedures delegated to the support staff.

5. The teacher will be responsible for registering in the Student Information System (SIE) the student has accumulated ten (10) or more unjustified absences or cuts of classes during the school year.

6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.

7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.

Parental Notification

LAWS

18 L.P.R.A. § 11. Parents, tutors or guardians.

All parents with children in the Public Education System have the right to:

(h) Be informed promptly by the school director or the teachers when their children become involved in behavior that may generate violent acts in the school.

18 L.P.R.A. § 3802. General rights of the student.

All persons have the right to education. The education to be provided by the State shall be free for all students of the Public Education System. Elementary and secondary education shall be compulsory. All students shall be guaranteed equal protection of the laws and rights granted by the U.S. Constitution, federal laws, the Constitution of Puerto Rico, and other applicable laws, regulations, and ordinances. Without it being construed as a limitation, students shall have the following rights:

(13) Disciplinary actions.- The student shall have the right of due process in any disciplinary procedure. Disciplinary actions shall be carried out in accordance with the provisions of the Department of Education's General Student Regulations in effect. As part of the due process of law, students shall be granted the following rights:

(a) To be notified of the infraction and the sanction to be imposed. The foregoing shall be notified to the parents, guardian, or custodian of the student, and in the case of students of legal age, they shall be directly notified.

18 L.P.R.A. § 3803. Duties and responsibilities of students, parents, guardians, and school authorities.

(1) Observe the laws, regulations, circular letters, rules, instructions, and directives issued by academic authorities.

- (2) Be punctual and attend school regularly as well as behave appropriately during school hours, recess, and other school activities, whether they are held inside or outside the school.
- (3) Preserve, take care of, protect, and avoid damaging public property, equipment, books, or school supplies.
- (4) To refrain from interrupting class.
- (5) To refrain from coercing other students into participating in a particular mode of expression, or from violating the right of other students to dissent from their points of view.
- (6) Parents or guardians shall be responsible for the punctuality and regular school attendance of their unemancipated minors, and for notifying school authorities of the existence of any circumstance that warrants their absence.
- (7) Parents or guardians shall be responsible for repairing any damages caused by their unemancipated minors to public property, equipment, or school supplies. In the case of a student who is of legal age or emancipated, he shall personally assume responsibility for the damages caused.
- (8) Parents or guardians of a minor shall be responsible for updating their contact information in the event that school authorities should need to contact them. This information shall include, but not necessarily be limited to, the parent's home and/or work address; the home, work, or cell phone number of both parents, and contact information of a relative or person trusted by the parents, in the event that parents cannot be immediately contacted during an emergency. This information shall be kept in a safe place and shall only be accessed by the school principal, his secretary, the school guidance counselor, or the school social worker.
- (9) If a student is absent for more than three (3) consecutive days without any justification whatsoever, it shall be the responsibility of the school authorities to contact the parents or guardians of said student to determine the cause of said absences.
- (10) The duties and responsibilities set forth in this Section shall not be construed as limiting or excluding any other right, duty, or responsibility that the school may grant or require of students.

REGULATIONS

Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.

2.B.2) Procedures for Formal Complaints

- a. The School Director must communicate with the student and his guardian regarding summarily suspending in print.

Regulation Num. 8502. Article IV. Procedure.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

A. 2 to 4 days

Responsible Person: Teacher

3. Contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.
4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.

5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.
6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.
7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.
8. Similarly, the support staff will provide parents, guardians, or custodians a copy of Section 1.03 of the Law 149-1999, as amended, which provides that school attendance is compulsory and the corresponding actions regarding non-compliance with that Article.
9. Also, the support staff will ensure guidance to parents, guardians and custodians about Article IV subsection (c) and (d) of Regulation 8115 of December 8, 2011, known as General Student Regulations for the System of Education of Puerto Rico, and the public policy regarding the active integration of parents and guardians in the educational process in the schools of the Department of Education.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

18 L.P.R.A. § 3961i. Statistics.

It shall be the duty of every primary, secondary, higher education institution, and university, whether public or private, to collect statistics on harassment and/or bullying cases that occur during the school year. Said statistics shall be submitted through annual reports filed not later than July 1st of every year with the Department of Education, in the case of public schools, and to the Department of State of Puerto Rico, in the case of higher education and private institutions.

REGULATIONS

No relevant regulations found.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

18 L.P.R.A. § 3961c. Liaison officials; training programs and workshops.

The Department of Education, the Private Schools Association, the Department of the Family, the Department of Health, the Department of Justice, the Puerto Rico Police, and the Association of School Psychology of Puerto Rico shall have liaison officials in charge of handling cases of harassment and/or bullying in order to work cases from both public schools and private institutions. Furthermore, such departments and associations shall develop training programs and workshops on harassment and intimidation or bullying in public and private schools as well as higher education institutions to train teaching personnel, non-teaching personnel, parents, and students on bullying prevention, identification, and management strategies.

REGULATIONS

Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.

2.B.2) Procedures for Formal Complaints

- a. The School Director will inform the police as soon as possible, of acts, witnesses and persons involved in the criminal offense or crime.

Regulation Num. 8502. Article IV. Procedure.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).

6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.

7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.

8. Notice to social welfare agencies and the Department of Justice will be done to the following offices:

Agency: Family Department (DF)

Legal Justification: Law 246-2011, Article 3, subsection (z), Article 5, subsection (7) Place of Referral: Central Office of the DF

Program Office: Protection of Minors

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c) Place of Referral: Central Office of the DF

Program Office: Nutritional Assistance Program (PAN) Agency: Public Housing Administration

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c) Place of Referral: Central Office of Housing

Program Office: Public Housing

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c) Place of Referral: Central Office of Housing

Program Office: Housing with Subsidy Agency: Justice Department

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c) Place of Referral: Judicial Region where the facts occurred

Program Office: Prosecutor of the Judicial Region

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

18 L.P.R.A. § 141j. Members; requirements.

Any person interested in being considered as a member of the Corps shall submit to the Department a certificate of good conduct issued by the Police of Puerto Rico, and shall submit to a psychological evaluation that measures personality profiles which shall be administered by a psychiatrist or psychologist duly authorized to practice his profession in Puerto Rico and who has training in the area of behavioral modification or psychodiagnosis. The results of the psychological evaluation as well as the evidence that appears on the good conduct certificate shall be indispensable conditions which the Department shall consider when recruiting members of the Corps.

These persons will undergo a thorough and confidential investigation of their character, reputation, habits, behavior in the community and other details related to the honesty, integrity and suitability of the candidates.

They shall also be subjected to an investigation of their conduct in the area where they reside.

18 L.P.R.A. § 141k. Rules and regulations.

The Secretary is hereby empowered to adopt the necessary rules and regulations for the implementation of this chapter, including the requirements that must be met by School Security Corps candidates. These rules and regulations shall include the requirement of undergoing Police Academy training for a period of not less than three (3) months, which shall be a part of the trial period of candidates. Such regulations shall conform to the provisions of present §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

18 L.P.R.A. § 17. Elected officers and government agencies.

(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.

(b) Police officers and School Guards I and II shall be responsible for institutional order within one hundred (100) meters surrounding the school premises and in school sponsored activities, in accordance with the regulations established to such effects. It is necessary that these officers develop positive relationships with the components of the school community and exert maximum efforts to achieve a suitable environment for the development of the habit of responsibility and cooperation, and of sound school discipline.

(c) To give conferences and hold assemblies directed toward discussing topics such as school violence prevention, prevention of drug use in the schools, conflict management in the school environment, etc.

(d) Government agencies shall support and actively participate in school activities in order to promote a safe and wholesome environment.

(e) To support research projects directed toward the study of the school violence problem. The information from these research projects may serve as the foundation upon which to generate legislation or initiatives that reduce violence in our schools.

(f) To provide the necessary funds for the implementation of security initiatives in the schools, such as the installation of security devices, programs for monitoring the statistics of criminal and violent incidents in the schools, etc.

(g) To establish interagency collaborative agreements with federal agencies, municipalities and the private sector in order to promote school security.

18 L.P.R.A. § 141. Public Policy.

Whereas, it has always been the public policy of the Commonwealth of Puerto Rico to protect and watch over the well-being of our children; whereas, in the majority of the cases the public education system has been and is one that harbors the public school students of the country during a considerable portion of the day; whereas, our Commonwealth has been experiencing a constant increase in criminality and in acts of vandalism and violence which have taken place recently in the school buildings and grounds; it is, therefore, necessary and urgent to create a public security corps under the direction of the Secretary of Education for a more effective protection of the safety of students, teachers, administrative personnel as well as the school's physical facilities.

18 L.P.R.A. § 141a. Definitions.

For the purposes of this chapter, the following terms shall have the meaning expressed hereinbelow:

- (a) Corps.- The School Security Corps created by this chapter.
- (b) Department.- The Department of Education.
- (c) Secretary.- The Secretary of the Department of Education.
- (d) School building.- Refers to the main building and any construction, annex, patio, garden and parking area of a school belonging to the Department of Education and shall include the following schools, among others: elementary, secondary, intermediate, high, commercial, vocational, technical, advanced skills, trade or agricultural instruction.
- (e) School grounds.- Shall include an area of two hundred (200) meters from the point closest to the outer boundary of the plot of land occupied by the school.
- (f) Member or members of the Corps.- Shall mean the personnel who are directly charged with keeping the peace and protecting the lives and property of the school community.
- (g) School community.- Students, teachers, officials, employees and persons authorized by law to enter and remain inside the school buildings and grounds.

18 L.P.R.A. § 141b. Creation.

The School Security Corps attached to the Department of Education is hereby created.

18 L.P.R.A. § 141c. Organization.

The Secretary is hereby authorized to determine the organization and administration of the Corps as well as its obligations, responsibilities and any other matters essential to its operation, by regulations that he shall promulgate to such effects. In the event that the convenience of bearing arms is provided, the authorization and approval of the Superintendent of the Police shall be obtained.

The Secretary shall request the necessary funds and administer them to achieve an effective operation of the Corps pursuant to the provisions of this chapter.

The Secretary shall take the necessary steps so that the members of the Corps shall first be assigned to those school buildings and grounds where there has been a high rate of vandalism and criminality. These schools shall be given priority at the Secretary's discretion.

The members and personnel of the Corps shall be subject to and protected by the provisions of Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act".

18 L.P.R.A. § 141d. Powers and functions.

The Corps shall have the following powers and duties under the direction of the Secretary:

- (a) To protect the life and property of the school community.
- (b) To protect and watch over the peace and public safety in the school buildings and grounds.
- (c) To develop a system that guarantees the prevention and eradication of delinquent acts in and around the school grounds, through which priority shall be given to assigning the services of the Corps to those schools which have the most serious vandalism and criminality problems.
- (d) To enforce compliance of all the laws of the Commonwealth of Puerto Rico related to the protection of life and property in Puerto Rico's school buildings and grounds.

(e) In order to comply with the mandate of this chapter, the Corps members shall enforce the following provisions of the law without impairing other existing laws and regulations and the duties and powers of other law and order officers:

- (1) To inform the corresponding authorities about violations of § 80 of Act June 30, 1969, No. 143 with regard to the issuing of licenses to retail alcoholic beverages in schools.
- (2) To enforce the provisions of §§ 1-157, 5-702, 5-101 of Act July 20, 1960, No. 141.
- (3) To ensure proper compliance of § 128 of this title, regarding the use of loudspeakers and amplifiers near school grounds.
- (4) To ensure compliance with the barring of controlled substances within the school grounds pursuant to § 2411a of Title 24.
- (5) To prevent the commission of the offenses established in Article 171 of the Penal Code of Puerto Rico and § 2091 of Title 33, which make reference to aggravated burglary and the prohibition of entering and remaining in school buildings and grounds without permission.
- (6) To inform the corresponding authorities of violations to §§ 701 and 702 of Title 15, which regulate the distance between schools and electronic game establishments.
- (7) To enforce and ensure compliance of the laws, regulations and norms of the Department of Education, under the supervision of the School Director.

(f) To enable them to carry out the duties they are charged with, the members of the Corps shall have the authority, under this chapter, to:

- (1) Make arrests for attempted violations of the law pursuant to the provisions of subsections (d) and (e) of this section, when the attempt or violation is committed in or around the school and grounds and in the presence of members of the Corps, or those which are submitted to them through knowledge and belief in strict coordination with the Commonwealth Police.
- (2) Issue summons for violations of the administrative laws of the Department.
- (3) Execute search and arrest warrants issued by the Courts of Justice.
- (4) Carry out searches related to violations of the laws mentioned in this chapter pursuant to the Rules of Criminal Procedure in effect, App. II of Title 34.
- (5) Obtain and execute search warrants while carrying out the duties, functions and obligations provided in this chapter.
- (6) Hold, confiscate and attach any material such as: controlled substances, weapons, motor and towing vehicles, alcoholic beverages or any equipment used in violation of the laws administered by the Department, or the specific laws related to the purposes of this chapter. All confiscations shall be carried out pursuant to the provisions of §§ 1 and 2 of Act June 4, 1960, No. 39.
- (7) With respect to clauses (3), (4), (5) and (6) of this subsection, the Corps shall limit itself to those cases in which its members have personal knowledge of the existence of the objects to be confiscated, their nature and origin; and the search or confiscation is carried out in the school as determined by this chapter. Outside of these limits, these interventions shall be carried out by the Police Corps of Puerto Rico.

18 L.P.R.A. § 141e. Coordination with the Government, Commonwealth Police and Municipal Guard.

The Secretary shall coordinate with the Government and especially the Commonwealth Police and the Municipal Police, as necessary, in its efforts to prevent and fight crime in all of its forms in order to achieve the purposes for which the creation of this Corps is authorized.

The Commonwealth Police and the Municipal Police in those municipalities where it exists shall take the necessary steps to make the coordination provided herein effective.

This chapter does not restrict or limit in any manner the powers and duties assigned to the Police of Puerto Rico and the Municipal Police.

18 L.P.R.A. § 141f. Commissioner; creation of post.

The post of Commissioner of the School Security Corps who shall be charged with the direction and supervision of the Corps created by this chapter is hereby created and attached to the Department.

18 L.P.R.A. § 141g. Uniform.

The garments which shall constitute the official uniform of the Corps and the equipment destined to it shall be determined by regulations.

The use of the uniform or any combination of the garments that form a part of it by any person who is not a member of the Corps is hereby prohibited. Any person who violates the prohibition provided herein shall be guilty of a misdemeanor.

In the event the Superintendent of Police by request of the Secretary authorizes the members of the Corps by regulations to use weapons, they may bear such weapons while they are on watch outside of school hours, on holidays or when expressly authorized to do so.

18 L.P.R.A. § 141h. Financial aid.

The Secretary shall be empowered to accept aid or cooperation of any nature, whether it be financial, property or services, including donations, whether in cash, technical or personal services, or equipment, which originates from individuals, citizen groups or private entities, profitable or non-profitable institutions, the government of the United States of America, from the Commonwealth of Puerto Rico, its municipalities, or from any government instrumentality, agency or subdivision in order to achieve the purposes of this chapter.

18 L.P.R.A. § 141i. Contracting.

The Secretary is hereby empowered to enter into every type of agreement and contract with public, juridical or natural persons, and with federal, Commonwealth or municipal agencies, under the terms and conditions he deems are necessary and convenient for the best application of this chapter and the achievement of its ends.

The Secretary shall take the necessary steps for the members of the Corps to be trained at the Puerto Rico Police Academy, and the Superintendent of Police of Puerto Rico is hereby authorized to offer all possible help and collaboration.

18 L.P.R.A. § 141L. Annual report.

The Secretary shall render an annual evaluation report to the Governor of the Commonwealth of Puerto Rico and to the Legislature in order to disclose the accomplishments and scope of this chapter which creates the School Security Corps.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Puerto Rico provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
Website		
No relevant resources found.		
Documents		
Memorandum 16-2015-2016	Guidelines for the use of a school uniform in the Puerto Rican public school system.	http://intraedu.dde.pr/Cartas%20Circulares/16-2015-2016.pdf
Memorandum 11-2015-2016	Public policy of the Department of Education for the handling of situations of abuse, institutional abuse, neglect and institutional neglect, as established by law 246-2011, as amended.	http://intraedu.dde.pr/Cartas%20Circulares/11-2015-2016.pdf
Memorandum 10-2015-2016	Public policy to establish procedures for implementing a Prevention, intervention, and follow-through protocol in cases of bullying among students in Puerto Rican public schools.	http://intraedu.dde.pr/Cartas%20Circulares/10-2015-2016.pdf
Memorandum 6-2015-2016	Norms and guidelines for Professional Counseling Programs in the School Environment (PCPEE [acronym in Spanish]).	http://intraedu.dde.pr/Cartas%20Circulares/6-2015-2016.pdf
Memorandum 24-2013-2014	Public policy on the possession of arms in the schools and buildings of the Department of Education.	http://intraedu.dde.pr/Cartas%20Circulares/24-2013-2014.pdf
Memorandum 20-2013-2014	Organization and operation for the program of Interdisciplinary Services for School Coexistence (SICE [acronym in Spanish]).	http://intraedu.dde.pr/Cartas%20Circulares/20-2013-2014.pdf
Memorandum 16-2013-2014	Public policy to establish the procedure to follow in the implementation of the rules of school retention from the Department of Education.	http://intraedu.dde.pr/Cartas%20Circulares/16-2013-2014.pdf

Title	Description	Website address (if applicable)
Memorandum 12-2012-2013	Public policy to establish the procedure for implementing the protocol of prevention, intervention and monitoring of bullying cases among students in public schools of Puerto Rico.	http://intraedu.dde.pr/Cartas%20Circulares/12-2012-2013.pdf
Memorandum 05-2012-2013	Public policy for the prevention and prohibition against acts of harassment and intimidation amongst students ("Bullying") in public schools of Puerto Rico.	http://intraedu.dde.pr/Cartas%20Circulares/05-2012-2013.pdf
Other Resources		
No relevant resources found.		