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# School Visitor Policy

Chancellor's Directive 260.2

Version 2.0

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Chancellor's Signature

Date

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## I. Executive Summary

<p>Originating Office: Office of the Chief Operating Officer Office of the General Counsel Office of the Chief of Schools</p>	<p>Number: 260.2</p>
<p>Subject: School Visitor's Policy Authority: DC Code §22-3102</p>	<p>Date: January 3, 2017</p> <hr/> <p>Rescinds: <b><i>School Visitors, School Records Release and Barring Notice Procedures</i></b>; issued on February 19, 2013</p>

### Introduction

District of Columbia Public Schools (DCPS) seek to provide a world-class education for all of its students. This commitment requires DCPS to regulate school buildings, classrooms and other aspects of the school community. Schools are public institutions and should be open to visits from parents and other interested parties to the extent that visits do not compromise student or staff safety and do not disrupt the education process or school's operation. School buildings will continue to be open to the public as long as visitors do not disrupt school instruction, operation, or activities; or compromise the safety and security of students and staff.

### Purpose

This directive explains the procedures for school building visits. The guidance in this directive applies to the school building and all exterior grounds of the school, including the playground and any other buildings and areas on DCPS property. The school principal has primary responsibility for ensuring visitor access in the school building and visitor conduct are monitored and supervised while on school property. The principal has the authority to deny access to any individual seeking to enter the school if the principal determines that the visitor's presence poses a danger or disruption to school activities, school instruction, or students and staff. Visitors who pose a threat or disruption to the school environment may be denied access or barred, subject to the provisions of DCPS School Barring Notice Procedures. This directive rescinds the Chancellor's Directive, *School Visitors, School Records Release and Barring Notice Procedures*, issued on February 19, 2013, and further rescinds any other document issued by DCPS to date regarding policies or procedures for school visitors.

### Roadmap

This directive will provide general procedures that apply for all school visits, as well as specific guidelines for parents and legal/court-appointed guardians, professionals, law enforcement officials, and attorneys. The directive also includes specific information related to the release of student records. The appendix at the end of the document includes FAQs and all referenced forms.

## II. School Visitor Procedures

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### A. Security Procedures for All School Visitors

All visitors and school staff must comply with the following procedures regarding school visits:

1. The main entrance of the school building shall be used for all exits and entries to the school, except in cases of fire or emergency. Any person found violating this rule will be immediately reported to the principal or school security officer.
2. The following sign shall be posted at the main entrance to all school buildings:

**ALL VISITORS**  
**Upon entering this building you must report immediately to the administrative office and receive permission to be on the premises. Only those individuals who have school related business will be granted permission to remain. Any unauthorized entrant is in violation of Section 22-3302(b) of the D.C. Code and will be criminally prosecuted.**

3. All visitors must immediately report to the security desk or station to identify themselves and receive a visitor's badge. Proper identification must be presented in order to receive a badge. Proper identification includes a driver's license or other government-issued personal identification card, passport, or a current employee identification card from a local or federal government agency or private entity.
4. All visitors must sign the school security visitor's log. The log shall have appropriate columns so that visitors can provide their name, agency/office, purpose of visit or person they are visiting, times of entry and departure, and badge number if applicable.
5. Visitors must follow the instructions provided to them at the security station. As directed by the principal, school security may limit the areas and time during which the visitor may access the building, but not in a manner that will unreasonably infringe upon the rights of a parent or a parent's designee to observe or support a child in the classroom. The scope and duration of the visit will correspond with the purpose of the visit.
6. Visitors must wear or display their visitor's badge at all times while on school premises.
7. All visitors must sign out on the visitor's log prior to exiting the building and return their visitor badge to security.
8. All staff members shall relay concerns regarding the presence or conduct of visitors to school security or the principal immediately so that further appropriate action may be taken.

### B. Parents and Legal/Court-Appointed Guardians

Parents and guardians- including educational surrogate parents appointed by the Office of the State Superintendent of Education (OSSE) or the Family Court of the D.C. Superior Court—should be given wide latitude regarding access to the school for the purposes of meeting with their child's teacher or other school staff, or observing their child's class. Parents and guardians of prospective students should

also be given a reasonable opportunity to visit the school and to observe proposed classes upon request. However, a parent or guardian's presence in the school must never cause a disruption to the function of the school or the instructional program of any student or in any way compromise the safety or security of the school, students, or staff.

Relatives or caretakers who are not the child's guardian will be allowed to visit the school if they are accompanied by a parent or guardian or if they have received permission in advance from the child's parent or guardian and the school principal. If a relative or caretaker appears on the emergency contact list for a student, the relative or caretaker should be allowed access to the school to drop the student off or pick the student up.

In the event that a court order, decree, or agreement describes the rights of parents, guardians and/or other relatives with respect to a child, the access that the school may provide to the child must be consistent with that order, decree, or agreement. That court order, decree, or agreement should be provided by the parent to the school as soon as reasonably possible. Applicable court orders, decrees, or agreements supersede all other provisions of this directive. School staff should contact the DCPS Office of the General Counsel (OGC) for guidance on interpreting the terms of a court order, decree, or agreement.

### C. Visitors Participating in IEP/504 Meetings/ Observations of Students with Disabilities

Non-school staff may visit DCPS to participate in IEP meetings or to observe students with disabilities in classroom settings. These visits must comply with the following procedures:

#### **IEP/504 Meetings**

Visitors may be allowed entry to the school for the purpose of meeting with school staff regarding a student who is receiving special education services pursuant to the Individuals With Disabilities Improvement in Education Act of 2004 (IDEA). Such visitors may include: educational advocates, attorneys, guardian *ad litem* attorneys, evaluators, and parent designees. However, these visitors should only remain in the building for the purpose and duration of their scheduled IEP meeting and should not be allowed to walk unaccompanied through the school or to observe students in class unless the circumstances described below in Section C.2, *Classroom Observations for Students with Special Needs*, apply. The following guidelines shall apply to visitors in the school for special education matters:

- a. All Security procedures in Section A, above, must be adhered to;
- b. Upon arrival to the school, the evaluator, educational advocate, outside observer, or similar visitor must report to the principal or a principal's designee; and
- c. Individuals who have been barred from a school through a barring notice or court order but who need to participate in an IEP meeting may participate by phone.

#### **Classroom Observations for Students with Disabilities<sup>1</sup>**

Observations can be conducted by parents as stated in Section B above. Parent's designees and professionals completing evaluations of a student at the school will also be allowed to observe the child in the classroom. Professional evaluators conducting an assessment must present an authorization letter from the parent. The authorization letter should indicate what assessment the evaluator is conducting,

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<sup>1</sup> D.C. Act 20-486

and include the parent's signature giving permission to conduct the assessment of the student at school. Third-party persons (including attorneys and educational advocates) who are not evaluators, Hearing Officer-designated experts, parents, or parent designee(s) shall not be allowed to observe classrooms while children are in the classroom. A parent of a child with a disability may appoint a designee to observe the child's current or proposed special educational program. This designee must:

- a. Have professional expertise in the area of special education being observed;
- b. Be necessary to facilitate an observation for a parent with a disability; or
- c. Be necessary to provide language translation assistance to a parent.

A parent-appointed designee may not represent the child or family in litigation related to the provision of a free and appropriate public education (FAPE) nor can the designee have a financial interest in the outcome of such litigation. A designee must agree in writing that they will not disclose nor use any information obtained during the course of an observation for the purpose of seeking or engaging clients in litigation against the District or the LEA. In addition:

- a. All security procedures in Section A, above, must be adhered to;
- b. All classroom observations must be scheduled prior to the day of arrival at the school;
- c. Prior to the in-class observations, any observer must complete and provide to the principal the *Confidentiality Agreement* (see Appendix);
- d. In appointing a parent's observer, the LEA may require advance notice and for the designation to be in writing, by completing the *Observation Designee Form* (see Appendix)<sup>2</sup>;
- e. The parent, designee, or evaluator must act in such a manner that allows the regular school program to continue during the observation by refraining from engaging the attention of the teacher or other student(s) through conversation or other means;
- f. The parent, designee, or evaluator may be accompanied by DCPS personnel at the discretion of DCPS;
- g. Attorneys who are representing the parent's child in litigation related to the provision of a free and appropriate education (FAPE) should only be in the school building to attend a student's IEP meeting, to retrieve student records, or to speak with a member of the school staff. Attorneys have no legal right to observe any class and shall not be permitted to do so;
- h. In all instances of professionals visiting the school for special education matters, an appointment should be made with the relevant school staff person or an IEP meeting should be previously arranged and notice issued to all relevant attendees;
- i. School staff are under no obligation or requirement to meet with an attorney, educational advocate, or observer or to allow them access to the school, if prior arrangements have not been made and agreed upon; and

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<sup>2</sup> The time allowed for the observation shall be sufficient to allow the parent, evaluator, or other designee to evaluate the child's performance in a current program or a proposed program to support the child and in the setting where the program or proposed program would normally occur.

- j. Other professionals, not explicitly described above, visiting the school for special education matters shall have no direct interaction with students, including the student who is the subject of the observation.

### D. Attorneys and Legal Professionals

Under certain circumstances, attorneys and other legal professionals may have reason to visit schools. These visits must comply with the following procedures:

#### **All Attorneys and Legal Professionals**

All attorneys and legal professionals (including those from the United States Attorney's Office (USAO), the Office of the Attorney General of the District of Columbia (OAG), and Public Defender Service and any private attorney) must show their badges and identification at the security station. They must then be directed to the main office to speak with a principal or a designee.

If any attorney or legal professional wishes to receive education records or any information contained in education records, the principal or a designee must contact DCPS-OGC to receive clearance to release such records or other student data.

#### **Guardian ad litem Attorneys**

*Guardian ad litem* attorneys may observe classes if they present a court order or other reliable documentation indicating they are permitted to do so. The valid court order or other legally binding document must demonstrate the attorney's relationship as *guardian ad litem* for the child. The court order must be signed by a judge, must indicate the student's name, and must be dated within one calendar year of the visit.

#### **Attorneys from OAG or USAO**

If an attorney from OAG or USAO has come to question a student regarding a matter, the attorney must first obtain consent from the student's parent if the student is under 18. The principal or a designee can contact the student's parent to receive consent for the attorney to talk to the student or to allow the parent time to come to school to participate in the interview, but is not required to do so. Ultimately it is up to the attorney to obtain the required consent.

If an attorney from OAG or USAO has come to the school to investigate a matter and wishes to speak with school staff, the principal and all school staff should cooperate and answer any questions, as long as no undue disruptions are caused to the school environment or to class instruction.

#### **Attorneys Serving a Subpoena**

If an attorney (or an attorney's investigator or process server) wants to serve a subpoena on DCPS or a DCPS employee in their capacity as a government employee, the school staff shall inform the attorney that DCPS-OGC accepts service on behalf of DCPS. The staff person should then request that the attorney take the subpoena to DCPS-OGC in Central Office. If the attorney refuses, school staff should contact OGC for assistance. If necessary, OGC will authorize school staff to accept the subpoena and then immediately send it to OGC for review.

#### **Attorneys from the Public Defender Services (PDS)**

For attorneys from the Public Defender Service (PDS), and private attorneys (and their investigators and process servers), the following guidelines must be followed:

School staff should contact DCPS-OGC for guidance before engaging with PDS and/or private attorneys in any matter.

Under no circumstances should such attorneys have any direct interaction with students, unless the attorney is representing the student in court case. In that instance, the attorney maybe allowed to interact with the student in a manner that minimizes disruption to the student's classroom instruction. If the student is under 18, school staff must contact a parent/guardian to obtain consent prior to allowing access.

School employees are not required to speak with attorneys from PDS unless a valid subpoena has been issued naming the employee as a witness in a court proceeding. These proceedings will always involve the government in some capacity. If a subpoena has been issued and the issuing attorney or investigator wishes to speak with the employee, the principal or a designee should allow the employee to speak with the issuing attorney/investigator as long as it poses only minimal disruptions to the school environment or to class instruction.

School employees are not required to speak with attorneys representing parents in private custody proceedings that do not involve the government unless a valid subpoena has been issued naming the employee as a witness in a private custody proceeding. DCPS-OGC can accept service of private custody subpoenas on an employee's behalf with the employee's permission. However, if an employee is served with a subpoena in a private custody matter, the principal or the employee should contact DCPS-OGC for guidance. The principal should allow the employee to speak with the issuing attorney/investigator as long as it poses only minimal disruptions to the school environment or to class instruction. Employees may also be entitled to receive witness appearance fees in private custody matters so long as no official government resources (including the employee's duty time) are utilized.

### E. Law Enforcement, Investigators, and Other Government Officials

Schools should make every effort to cooperate with law enforcement, including: local, state, and federal police officers/ investigators, investigators from the DC Office of the Inspector General (OIG), D.C. Child and Family Services Agency (CFSA), or the DCPS Investigation Team. However, school visits should be conducted in a manner that does not disrupt the school environment or class instruction unless absolutely necessary.



### III. Release of Student Records

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To comply with the Family Educational Rights and Privacy Act (FERPA), DCPS must not provide access to confidential student records, or discuss the content of such records, without written authorization granted by the parent/guardian or adult student, or via court order (see Appendix for *DCPS Authorization to Release Records*). The principal should call DCPS-OGC with any questions related to FERPA or education records access.

1. For private attorneys/third parties, the school must receive a written consent (see Appendix for *DCPS Authorization to Release Records*), signed within one year of the date of the records request.
2. For *guardian ad litem* attorneys and social workers, the school must receive a court order or other document that affirmatively grants access to the records.
3. For social workers from child welfare agencies, the social worker should have valid identification to substantiate their status as an employee of a child welfare agency, along with a court order, a valid authorization for release of records or other document that explicitly grants them access to the records of a particular student(s).

# Appendices

## Appendix I: Frequently Asked Questions (FAQs)

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### Q1: What is the process a parent should follow to appoint a designee for observation?

A1: The parent must fill out the *Observation Designee Form* and submit it to their child's school. This form must be completed and submitted before the observation is scheduled to take place.

### Q2: How do I determine if a potential designee has a financial stake in litigation?

A2: If a school is unsure that a potential observer has expertise in special education or has a financial interest in the outcome of litigation, then they should ask the parent to fill out the *Observation Designee Form* (see Appendix). This form should then be uploaded to SEDS and the school should contact their School Support Liaison (SSL) or OGC for assistance.

### Q3: How do I upload the designee observation form to SEDS?

A3: The form should be faxed into SEDS and the miscellaneous cover sheet should be entitled "*Observation Designee Form.*"

### Q4: Are third party persons such as attorneys or educational advocates allowed to observe a child in the classroom?

A4: An observer must have professional expertise in the area of special education being observed or must otherwise be necessary to assist a parent with a disability or with language translation. If a school is unsure of whether a potential observer should be allowed in the classroom, they should follow the procedure outlined in Question 2.

Attorneys should generally only be in the school building to attend a student's IEP meeting, to retrieve student records, or to speak with a member of the school staff.

## Appendix II: Observation Designee Form

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DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

### Parental Appointment of Observation Designee

I \_\_\_\_\_ parent/guardian of \_\_\_\_\_  
(Parent/Guardian's Name) (Student's Name and Date of Birth)

hereby appoint \_\_\_\_\_ as my designee to observe my child's current or proposed special  
(Name of Designee)

special education program at \_\_\_\_\_ School. I hereby represent that he/she is neither representing my child's interests in litigation related to the provision of a free and appropriate public education, nor has any financial interest in the outcome of such litigation. I further represent that he/she will not disclose or use any information obtained during the course of an observation for the purpose of seeking or engaging clients in litigation against the District of Columbia or the Local Education Agency (LEA).

I further assert that this designee (check at least one, and all that apply):

- \_\_\_ has professional expertise in the area of special education;
- \_\_\_ is necessary to facilitate an observation for me due to my disability; and/or
- \_\_\_ is providing language translation services for me.

\_\_\_\_\_  
(Parent/Guardian's Name- Print)

\_\_\_\_\_  
(Parent/Guardian's Signature)

\_\_\_\_\_  
(Date)

## Appendix III. DCPS Authorization to Release Education Records (Student 17 and Under)

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### DCPS Authorization to Release Education Records

I \_\_\_\_\_ parent/guardian of \_\_\_\_\_  
(Parent/ Guardian's Name) (Student's Name and Date of Birth)

hereby consent to the appropriate official at my child's school or the DCPS Office of Data and Strategy to release my child's education records to:

\_\_\_\_\_  
(Name of representative, agency, physician, or attorney)

\_\_\_\_\_  
(Address and phone number of representative, agency, physician, or attorney)

The purpose of the disclosure is:

\_\_\_\_\_  
\_\_\_\_\_  
(Describe the specific purpose for the records disclosure)

By signing below, I authorize the release of the following records:

\_\_\_\_\_  
\_\_\_\_\_  
(Describe specifically which records are to be released including any applicable date range)

By signing below, **1) I acknowledge and understand that I have the opportunity to review the records to be disclosed and the right to challenge the contents of such records;** 2) I am 18 years of age; and 3) I am signing this document on behalf of my child because he/she is not 18 years of age. NOTE: This release is valid only for the purpose stated. The DCPS must obtain my written authorization before releasing any further information to any other requester. **This authorization will expire one year from the date of signature.**

\_\_\_\_\_  
(Parent/Guardian's Name-Printed) (Parent/Guardian's Signature)

\_\_\_\_\_  
(Parent/Guardian's Current Address)

\_\_\_\_\_  
(Parent/Guardian's Contact Number) (Date)

## Appendix IV: DCPS Authorization to Release Education Records (Adult/Former Student)

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### DCPS Authorization to Release Education Records –Adult Student or Former Student

I \_\_\_\_\_ hereby give consent to the appropriate official at my  
(Student's Name and date of birth)

current school or former school, or the DCPS Office of Data and Strategy to release my education records to:

\_\_\_\_\_  
(Name of representative, agency, physician, or attorney)

\_\_\_\_\_  
(Address and phone number of representative, agency, physician, or attorney)

The purpose of the disclosure is:

\_\_\_\_\_  
(Describe the specific purpose for the records disclosure)

By signing below, I authorize the release of the following records:

\_\_\_\_\_  
(Describe specifically which records are to be released including any applicable date range)

By signing below, **1) I acknowledge and understand that I have the opportunity to review the records to be disclosed and the right to challenge the contents of such records; and 2) I am 18 years of age.**

NOTE: This release is valid only for the purpose stated. The DCPS must obtain my written authorization before releasing any further information to any other requester. **This authorization will expire one year from the date of signature.**

\_\_\_\_\_  
(Adult/ Former Student's Name-Printed)

\_\_\_\_\_  
(Adult/ Former Student's Signature)

\_\_\_\_\_  
(Adult/ Former Student's Current Address)

\_\_\_\_\_  
(Adult/ Former Student's Contact Number)

\_\_\_\_\_  
(Date)

# Appendix V: Classroom Observer Confidentiality Agreement

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## Classroom Observer Confidentiality Agreement

I, \_\_\_\_\_, will be conducting an observation of  
(Observer's Name- Printed)

\_\_\_\_\_ and hereby affirm that:  
(Student's Name- Printed)

- I agree to preserve the confidentiality of any and all personally identifiable student information that I view or have access to during the course of my observation of the above-referenced student and the instruction provided at his/her school;
- I agree that I will not interrupt the teacher during instructional time or engage in disruptive, destructive, or threatening conduct;
- I agree to refrain from interrupting any teacher during instructional time and from engaging in any conduct that is disruptive, destructive or threatening;
- I further agree that I may not disclose any confidential and personally identifiable information about any other DCPS student obtained by me during the course of my observation(s), as required by law;
- I certify that I do not represent the student in current litigation related to provision of a free appropriate public education and I have no financial interest in the outcome of such litigation;
- I certify I will not disclose nor use any information obtained during the course of the observation for the purpose of seeking or engaging clients in litigation against the District or the LEA;
- I further understand the terms of this Agreement shall remain in effect during and after my observation.

This agreement is given in consideration for my ability to conduct an observation at

\_\_\_\_\_ on \_\_\_\_\_  
(Name of School) (Date of Observation)

\_\_\_\_\_  
(Observer's Name- Printed)

\_\_\_\_\_  
(Parent/Guardian's Signature)

\_\_\_\_\_  
(Today's Date)