Executive Summary

The Student Discipline Task Force was established by the Loudoun County School Board in response to concerns from the community regarding the LCPS discipline policy and practices. Recognizing the importance of achieving a balance between providing a safe learning environment and protecting the rights of students, the Task Force comprised nineteen members representing a cross section of the community and school personnel with diverse perspectives and expertise. The Task Force conducted its business from December 4, 2012 to June 6, 2013 during which time they held twelve meetings.

The Task Force evaluated the four goals set forth by the School Board and derived specific areas of focus from each goal. In an effort to manage the broad scope of the charge within the specified time frame, the Task Force divided into four working groups. Each group worked on one goal and related topics to evaluate, investigate and offer recommendations. Recommendations were developed by working groups, and by individual committee members. Several recommendations were presented and each is categorized and aligned with only one goal.

In all, thirty-nine recommendations were presented to the full Task Force Committee for discussion and vote. Table 1 below summarizes the recommendations and their disposition. Recommendations accepted by the DTF are shown in green. Rejected recommendations are depicted in red. One recommendation was deferred (shown in yellow) pending a legal review. Details on each recommendation and its rationale can be found in the main report.

The simple summary table below conceals the spirited dialog among the Task Force members. Although conducted in a professional manner, different backgrounds and expertise, combined with motivated participants resulted in passionate discussions.

The Task Force worked diligently for 6 months and additional work remains. The schedule and staffing of the Task Force were enough to identify some solid recommendation for change and some areas that should be further investigated and evaluated, including:

- the disproportional representations of minority and special education subgroups of students in the suspension data;
- the majority of student suspensions which are for non-violent and non-threatening offenses;
- the need to identify critical metrics necessary to ensure fair and effective discipline practices and policies.

The Task Force suggests additional effort be expended by LCPS to further investigate feasibility and implementation of recommendations and to evaluate those areas the Task Force was unable to address.
Table 1. Summary Task Force Recommendation

<table>
<thead>
<tr>
<th>Goal 1: Review the LCPS Discipline Policy to ensure conformance with Virginia Code</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Conduct a review of discipline policies not reviewed by the Task Force</td>
<td>9</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>2 Clearly define conduct that may be cause for removal from school (Policy 8-27)</td>
<td>12</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>3 Remove predetermined punitive consequences from policy (Policies 8-35,36,37)</td>
<td>9</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>4 Include consideration of circumstances and administrator discretion in Weapons policy (Policy 8-32)</td>
<td>12</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>5 Include consideration of circumstances in the discipline procedures for all incidents involving students with disabilities (Policy 5-55)</td>
<td>10</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>6 Define procedures, documentation and notification requirements for Each In-School Disciplinary Measure (Policy 8-26)</td>
<td>11</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>7 Include notice to parents for In-School Restriction (Policy 8-26(F))</td>
<td>11</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>8 Include a provision for Self-Defense in the Discipline Policy</td>
<td>9</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>9 Include self defense information and criteria in SR&amp;R</td>
<td>6</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>10 Provide notice to parents of students accused of bullying</td>
<td>6</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>11 Recommend proposal of legislative action prohibiting student statements obtained from being used as evidence against the student</td>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>12 Include Parental Notification when a serious violations of policy is suspected</td>
<td>4</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>13 Include Parental Notification of serious violations of policy prior to obtaining written and signed statements</td>
<td>5</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>14 Remove language regarding discovery from the Weapons -Safe Harbor Clause (Policy 8-32)</td>
<td>3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>15 Remove arbitrary language regarding jurisdiction (Policy 8-1)</td>
<td>2</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>16 Consolidate and enhance to cover authority, notice, and offenses (Policy 8-1)</td>
<td>4</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>17 Provide plain and clear notice of scope and limits of authority (Policy 8-1)</td>
<td>6</td>
<td>8</td>
<td>0</td>
</tr>
</tbody>
</table>

| Goal 2: Develop recommendations to improve LCPS communication to parents and students about the discipline policy |
|---|---|---|
| 18 Include a Discipline Philosophy Statement in the Discipline Policy | 14 | 0 | 0 |
| 19 Appoint a Student Discipline Liaison | 13 | 0 | 1 |
| 20 Restructure the Discipline Policy to present in a more logical and user friendly format | 11 | 3 | 0 |
| 21 Display of school specific expectations/rules in agendas | 14 | 0 | 0 |
| 22 Publish an FAQ on the LCPS discipline process | 12 | 0 | 1 |
| 23 Translate SR&R Handbook in additional languages | 10 | 2 | 2 |
| 24 Distribute SR&R Handbook in paper copy | 10 | 2 | 2 |
| 25 Appoint a school based resource to support students and parents in discipline matters | 6 | 6 | 1 |

| Goal 3: Develop recommendations to improve data collection and reporting of incidents requiring disciplinary action |
|---|---|---|
| 26 Establish a special committee to focus on evaluation and elimination of disparities in school discipline (over representation of minority and SpEd student subgroups) | 9 | 2 | 0 |
| 27 Provide school report of disaggregate discipline data. Incorporate strategies to reduce disproportionate representations of suspensions in SIP | 13 | 0 | 0 |
| 28 Develop a standardized incident report | 12 | 0 | 0 |
| 29 Identify critical metrics needed to ensure implementation of fair, effective and consistent discipline | 13 | 0 | 0 |

| Goal 4: Develop recommendations to ensure the LCPS discipline policy incorporates “Best Discipline Practices” based on a review of relevant research, data, and experience of other school divisions |
|---|---|---|
| 30 Implement graduated discipline policies and practices | 10 | 2 | 1 |
| 31 Establish a range of responses to achieve desired behavior modifications; reserve punitive exclusions for threats to safety or chronic offenders | 7 | 5 | 1 |
| 32 Continue the implementation of PBIS in all LCPS schools | 13 | 0 | 0 |
| 33 Provide feedback on their implementation of PBIS to inform their SIP | 12 | 1 | 0 |
| 34 Identify & Implement PBIS themes from high implementers across schools | 14 | 0 | 1 |
| 35 Support pilot study of alternative discipline practices (RJ, CPS) | 13 | 0 | 1 |
| 36 Communicate to administrators that circumstances and intent should be considered | 11 | 0 | 2 |
| 37 Include information on individual rights and criminal penalties in educational programs on bullying | 8 | 3 | 1 |
| 38 After appeal, consider disciplinary dispositions of all students involved in incident | Deferred |
| 39 Appoint a committee to work on implementation of accepted recommendations | 5 | 7 | 2 |

*Recommendations have been abbreviated. For reference only.*
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Introduction

The Student Discipline Task Force (Task Force) is pleased to present its findings to the Loudoun County School Board Discipline Committee. This Report of Recommendations contains information on the Task Force charge, membership and guiding process. The Task Force derived recommendations which were focused on satisfying goals outlined by the School Board. Each recommendation presented and discussed by the Task Force is captured in this report and includes the recommendation, rationale, and final disposition.

Background

The Discipline Task Force was established by the Loudoun County School Board in response to concerns from the community regarding the LCPS discipline policy and practices. Recognizing the importance of achieving a balance between providing a safe learning environment and protecting the rights of students, the Task Force comprised nineteen members representing a cross section of the community and school personnel with diverse perspectives and expertise. The Task Force conducted its business from December 4, 2012 to June 6, 2013 during which time they held twelve meetings.

The Task Force evaluated the four goals set forth by the School Board and further derived several areas of focus from each goal. In an effort to manage the broad scope of the charge within the specified time period, the Task Force divided into four working groups. Each group was assigned one goal and related topics to evaluate, investigate and offer recommendations. Several recommendations were suggested and each is categorized and aligned with only one goal.

In all, thirty-nine recommendations were presented, along with a rationale, to the full Task Force Committee for discussion and vote. Each item was thoroughly vetted, and many generated spirited dialog. Common themes threaded throughout the Task Force discussions included: improving communications of policy and practice, overlaying the consideration of circumstances and intent when determining a disciplinary response, providing administrators with the ability to utilize discretion, enhancing the disciplinary “tool box” to include positive and evidence-based responses to achieve desired behaviors, and ultimately keeping children in school.

The Task Force review of the LCPS Discipline Policy (Goal 1) covered a spectrum of topics including policy language and structure, definitions and procedures, intent and circumstances, extent of authority, and predetermined disciplinary outcomes. The addition of new policy content regarding Self Defense and Parental Notification was also introduced. In all, seventeen ‘Policy’ recommendations were presented.

The improvement of communications between the school system and students and their parents/guardians (Goal 2) was the basis for eight recommendations. The need to clearly define conduct expectations and discipline policies and procedures, as well as offer support to students and their parents navigating the system was overwhelmingly supported by the Task Force.
When evaluating data collection and reporting (Goal 3), the Task Force quickly determined that analysis beyond the scope of the committee would be required for 1) the evaluation and elimination of disproportionalities in school discipline; and 2) the identification of the critical metrics needed to evaluate fair and effective discipline. In addition, the Task Force supported two additional recommendations in reference to Goal 3 – the dissemination of disaggregated discipline data to inform school SIPs, and standardized incident reporting.

Lastly, the Task Force reviewed a body of research and information on “best practices” in school discipline and alternative discipline methods which resulted in ten recommendations supporting Goal 4 including: the implementation of graduated discipline practices, the continued roll-out and monitoring of the PBIS framework in LCPS schools, and the identification and implementation of additional evidence based alternatives were among the recommendations supported by the Task Force.

At the conclusion of the six month time period, the Task Force wrapped up the presentations and discussions of recommendations. Several Task Force members participated in the creation of the final Report of Recommendations which includes a full account of the Task Force committee process, recommendations, and outcomes. Perhaps one of the most important observations noted is that additional work remains. The schedule and staffing of the Task Force were sufficient to identify solid recommendations, and areas that require further investigation and evaluation.
Task Force Committee Charge

In fall 2012, the Loudoun County School Board approved the motion to create a task force to review the Loudoun County Public School discipline policies. The motion was passed as follows:

_I move that the Loudoun County School Board does hereby create a Task Force to review its discipline policies in Chapter 8. Members of the School Board, individually and collectively, and staff of Loudoun County Public Schools (LCPS) have received concerns from parents of students about the discipline policy. Given the importance of achieving a proper balance between providing a safe learning environment within each school and the rights of students and parents, it is imperative that a Task Force comprised of members with diverse perspectives and expertise review the policy to determine what, if any, changes should be made._

The Task Force shall be comprised of 19 members. The members include:

- Six (6) school and non-school based staff
- Six (6) parents - each Board Member of the Discipline Committee shall appoint two
- Two (2) mental health professionals - one from LCPS and one who is licensed and in private practice
- Two (2) law enforcement - one Security Resource Officer (SRO) from LCPS and one from juvenile court
- One (1) parent from the Special Education Advisory Committee (SEAC)
- One (1) parent from the Minority Student Achievement Advisory Committee (MSAAC)
- One (1) parent from the Gifted Advisory Committee
- The three (3) School Board members of the School Board Discipline Committee shall be ex-officio non-voting members

The Board Members of the Discipline Committee shall select by majority vote the mental health and juvenile justice professionals. SEAC and MSAAC will select their respective representative. All other members shall be selected by LCPS administration. All selections are subject to the approval of the Discipline Committee and appointed by the School Board.

The Task Force members will be subject to the Freedom of Information Act. And, the Task Force will report to the Discipline Committee.

The Task Force will have six months from commencement to complete its review and provide a final report to the Discipline Committee. The Discipline Committee may grant extensions upon request.

The Task Force will have four main goals. These goals are, but are not limited to, the following:

1. Review the LCPS Discipline Policy to ensure conformance with Virginia Code; and
2. Develop recommendations to improve LCPS communication to parents and students about the discipline policy; and
3. Develop recommendations to improve data collection and reporting of incidents requiring disciplinary action; and
4. Develop recommendations to ensure the LCPS discipline policy incorporates “Best Discipline Practices” based on a review of relevant research, data, and experience of other school divisions.
Task Force Membership

In December 2012, the following persons were appointed to the Task Force:

- Six (6) school and non-school based staff:
  - Jennifer Hvozdovic, Teacher, Loudoun County High School
  - Sam Shipp, Principal, Woodgrove High School
  - Kim Jackson, Teacher, Farmwell Station Middle School
  - Neri Gonzalez-Sales, Principal, Sterling Middle School
  - Ryan Tyler, Director of Research, LCPS
  - David Spage, Director of High School Education, LCPS

- Six (6) parents - each Board Member of the Discipline Committee shall appoint two:
  - Kent Sommers, parent – Appointed by Tom Reed
  - Sherri Robinson, parent and LCPS teacher – Appointed by Tom Reed
  - Yvette Castro-Green, parent – Appointed by Bill Fox
  - Tom Marshall, parent and former LCPS School Board member – Appointed by Bill Fox
  - Teresa Cambetes, parent – Appointed by Debbie Rose
  - Sylvia Ross, parent – Appointed by Debbie Rose

- Two (2) mental health professionals - one from LCPS and one who is licensed and in private practice:
  - John Lody, Director of Diagnostic & Prevention Services, LCPS
  - Edwin Lucas, LPC, LMFT

- Two (2) law enforcement - one Security Resource Officer (SRO) from LCPS and one from juvenile court
  - DFC Lindsey Wilson, Loudoun County Sheriff’s Office
  - Mark Crowley, Director, Loudoun Juvenile Court Services

- One (1) parent from the Special Education Advisory Committee (SEAC)
  - Sharon Tropf

- One (1) parent from the Minority Student Achievement Advisory Committee (MSAAC)
  - Jennifer Lovelace*

- One (1) parent from the Gifted Advisory Committee
  - James (Cliff) Hanger

* The MSAAC representative was unable to complete her tenure on the committee. Ms. Patricia Ballentine was asked to sit on the committee as a non-voting member in an effort to ensure minority representation in discussions.
**Task Force Process**

Over a six month period the Discipline Task Force Committee (Task Force) met 12 times. All meetings were listed on the LCPS website, open to the public, and recorded. An agenda was established for each meeting which provided an opportunity public comment.

During early meetings, the Task Force received presentations in order to become familiar with LCPS discipline policies, procedures and practices. LCPS staff Stephen Devita and Ned Waterhouse attended meetings and offered information and consultation on current laws, policies and practices throughout the process. The Task Force made multiple data requests of LCPS staff member, Dr. Ryan Tyler. (Appendix A).

In addition, the Task Force evaluated the four goals set forth by the School Board and identified several specific topics or areas of focus from within each goal. The committee then divided into four work groups. The establishment of work groups was utilized to support the Task Force’s ability to review the broad scope of the charge within the specified time period.

Each work group was assigned a goal and related topics as follows:

**Group A: Goal 1: Review LCPS Discipline Policy to ensure conformance with Virginia Code**

- **Members:** Crowley, Marshall, Ross, Sommers, Spage
- **Topics:**
  1.1 Examine the incident investigation process (searches, statements, confessions, etc.)
  1.2 Evaluate the LCPS disciplinary authority
  1.3 Review definitions: Example: Are “offenses”, “weapons” and “Drug” classifications clear
  1.4 Evaluate if presumption of innocence and consideration of intent are incorporated into the policy and/or practices

**Group B: Goal 2: Develop recommendations to improve LCPS communication to parents and students about the discipline policy**

- **Members:** Gonzalez-Sales, Hvozdovic, Lovelace, Wilson
- **Topics:**
  2.1 Evaluate the communication of the discipline policy and practices to parents and students
  2.2 Review the communications, procedures and practices that are followed once an incident has occurred
  2.3 Evaluate all discipline notifications and appeal process communications

**Group C: Goal 3: Develop recommendations to improve data collections and reporting of incidents requiring disciplinary action**

- **Members:** Castro-Green, Hanger, Jackson, Robinson, Tyler
- **Topics:**
  3.1 Evaluate current LCPS student discipline data collection- data sources, reporting requirements, tracking, etc
  3.2 Analyze the data collection to determine the effectiveness of LCPS discipline policies and practices
  3.3 Evaluate data for determination of disciplinary disparities applied based on subgroups and across schools

**Group D: Goal 4 - Develop recommendations to ensure the LCPS discipline policy incorporates “Best Practices” based on a review of relevant research, data, and experience of other school divisions**

- **Members:** Cambetes, Lody, Lucas, Shipp, Tropf
- **Topics:**
  4.1 Determine if disciplinary actions are proportionally and equitably applied within LCPS (based on subgroups and from school to school)
  4.2 Examine practices, programs, and supports that teach appropriate behaviors
  4.3 Examine academic supports provided to students who are out of school
  4.4 Examine 'best practices' in school discipline
With goals and topics defined and work groups established, time was devoted to discussions at the work group level during meetings. Several recommendations were developed within the working groups, and others were offered by individual committee members. A template was utilized for the preparation and presentation in support of each recommendation. The template format was designed for export into the final report and included: recommendation summary, rationale, and references.

The Task Force’s final meetings were used for presentation and discussion of proposed recommendations and rationales. Recommendations were presented, discussed and approved or not approved by a majority vote of committee members present. All recommendations proposed to the committee for consideration are captured herein.

Committee members have been given the opportunity to submit statements in support of their positions. Submitted statements are included in this report.

Meeting Dates and Agenda items:

- Dec 04  Introduction
- Jan 10  Overview of LCPS Enrollment and Discipline Data Discussion: Goals and Topical Themes / Areas of Focus
- Jan 23:  LCPS Discipline Policy and Process presentation Additional Data Requested Discussion: Topic Themes / Areas of Focus and Work groups
- Feb 06:  Overview of Action Plan PBIS presentation Group Work sessions
- Feb 20:  Review of timeline and deliverables LCPS Data presentation Group Work Sessions
- Mar 06:  cancellation due to weather
- Mar 19:  Group work sessions
- April 03  Overview of Restorative Justice, Overview of Collaborative Problem Solving Group work sessions
- April 16:  Presentation and discussion of Recommendations
- May 01:  Presentation and discussion of recommendations
- May 16:  Presentation and discussion of recommendations
- May 30:  Presentation and discussion of recommendations
- June 05:  Presentation and discussion of recommendations
Committee Recommendations

In all, thirty-nine unique recommendations were presented and discussed by the Task Force Committee, of which thirty were approved by majority vote of Task Force member present, eight were not approved, and one remained deferred. All recommendations have been categorized with the goal most closely aligned with its objective: 17 policy recommendations, 8 communications recommendations, 4 data collection and reporting recommendation, 10 best practices recommendations. Recommendations focusing specifically on the issue of disproportional representation of minority and special education students in school discipline data and outcomes are categorized within data collection and reporting.

All recommendations are captured in the tables below. The tables are followed by a complete account of each recommendation including the supporting rationale, disposition, presenter, references and committee member statements submitted (if any).

<table>
<thead>
<tr>
<th></th>
<th>Goal Alignment</th>
<th>Disposition</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Policy (review)</td>
<td>Approved 9-4-1</td>
<td>Conduct a comprehensive review of the LCPS discipline policies to ensure: conformance with VA Code, clear communications, and best practices. The review shall include, but not limited to: Policies 5-21, 8-2, 8-27, 8-28, 8-29, 8-40, appeals processes, and policy on bullying.</td>
</tr>
<tr>
<td>2</td>
<td>Policy (8-27)</td>
<td>Approved 12-1-0</td>
<td>Review and Revise LCPS Policy 8-27(B) - Grounds for Removal from School, to provide specificity and definitions for conduct listed which may constitute cause for removal from school. The policy lacks definition for several offenses, and lack specificity in item 22 (Disruptive Behavior). Further recommended is the removal of item 23 (Other cause).</td>
</tr>
<tr>
<td>3</td>
<td>Policy (8-35,36,37)</td>
<td>Approved 9-4-1</td>
<td>Revise LCPS Policies and Regulations §8-35, §8-36 and §8-37 to remove the predetermined consequences defined in the policies and regulations. Investigate and incorporate disciplinary responses that focus on desired behavior modification outcomes.</td>
</tr>
<tr>
<td>4</td>
<td>Policy (8-32)</td>
<td>Approved 12-0-1</td>
<td>Modify Policy §8-32 - Weapons, to include language which informs principals that circumstances may be considered and discretion may be used when determining disciplinary outcomes policy violations.</td>
</tr>
<tr>
<td>5</td>
<td>Policy (5-55)</td>
<td>Approved 10-1-3</td>
<td>Modify LCPS Policy §5-55- Disciplinary Procedures for Students with Disabilities, to include a general statement that provides guidance to administrators to consider unique circumstances of the incident and the student’s disability when the student violates the discipline policy or code of conduct</td>
</tr>
<tr>
<td>6</td>
<td>Policy (8-26)</td>
<td>Approved 11-1-0</td>
<td>Revise LCPS Policy 8-26-In-School Disciplinary Measures, to provide concise differentiation between each in-school disciplinary measure and the procedural, documentation and notification requirements of each measure. It is further recommended that the disciplinary measure “Removal of Students from Class” provide guidelines (in accordance with VA Code).</td>
</tr>
<tr>
<td>Policy</td>
<td>Action</td>
<td>Paragraph</td>
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<tr>
<td>7</td>
<td>Approved 11-0-1</td>
<td>Modify LCPS Policy §8-26(f) - <em>In-School Disciplinary Measures</em>, to include a notice to parents when a student is assigned In-School Restriction.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Approved 9-3-1</td>
<td>Modify the LCPS discipline policy to include a provision for Self-Defense</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Approved 6-5-2</td>
<td>Modify SR&amp;R Handbook to include information on Self Defense criteria within the section on ‘Fighting’</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Approved 6-4-2</td>
<td>Parents of students accused of misconduct for bullying are to be notified of the accusation of bullying and the specific conduct and facts of their child’s behavior alleged to factually constitute the bullying conduct.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Approved 7-6-1</td>
<td>Recommend the School Board propose legislative action be taken that “No statements of admission of a juvenile made as a result of an interrogation or questioning at a school division shall be used as evidence against the student in a juvenile court hearing unless a parent, guardian or legal custodian was present.”</td>
<td></td>
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<tr>
<td>12</td>
<td>Not Approved 4-8-2</td>
<td>Modify the LCPS discipline policy to include a due process provision on Parental Notification as follows: The school principal or his designee shall notify the parents or guardians of a student 1) when the student is suspected of violating policy which may result in the student’s suspension, expulsion, or the notification of law enforcement, and 2) when school administrators begin an investigation* into the suspected violation. The provision would allow for consideration of exigent circumstances, in which the notification requirement would be waived.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Not Approved 5-7-2</td>
<td>Modify the LCPS discipline policy to include a due process provision on written and signed statements as follows: Students suspected of a violation of school policy, that is a serious violation, or that may result in the student’s suspension or expulsion shall not be required to write or sign a written statement before a reasonable effort has been made to contact the student’s parents or guardian and the parent or guardian has given consent. The provision would allow for consideration of exigent circumstances, in which the notification requirement would be waived.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Not Approved 3-6-3</td>
<td>Modify LCPS Policy §8-32 -<em>Weapons Safe Harbor clause</em> to provide discretion to school administrators by removing specific language regarding discovery of a weapon.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Not Approved 2-6-4</td>
<td>Revise Policy 8-1 -<em>Extent of School Authority</em> to clarify language regarding jurisdiction which is arbitrary and clarify parental sovereignty in discipline matters that are not on campus, on the bus, or at a school sponsored event.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Not Approved 4-7-3</td>
<td>Modify Policy 8-1 – <em>Extent of Authority</em> to include two additional sections: one consolidating parental notice and one that provides a list of offenses.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Not Approved 6-8-0</td>
<td>Revise Policy 8-1 – <em>Extent of Authority</em> to provide plain and clear notice to parents, students and administrators on the scope and limits of LCPS Authority. The policy should be revised to include and explicitly state the relevant statutory language that constitutes the adopted policy, and/or specifically identify and acknowledge when the adopted language affords more due process in the policy than is required by state or federal law with regard to: i. school authority/power, ii. School board’s jurisdiction, iii. Parental responsibility and duty to assist, iv. Explicit recognition of parental rights, v. right of parents to express disagreement without fear of reprisal.</td>
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</table>
### Communications Recommendations

<table>
<thead>
<tr>
<th>#</th>
<th>Goal Alignment</th>
<th>Disposition</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Communications (philosophy)</td>
<td>Approved 14-0-0</td>
<td>Develop a Discipline Philosophy Statement to be included in the LCPS discipline policy in order to provide guidance in policy and consistency in practice.</td>
</tr>
<tr>
<td>19</td>
<td>Communications (liaison)</td>
<td>Approved 13-0-1</td>
<td>Appoint a discipline liaison, an independent or neutral party, to serve as point of contact for parents/guardians and students who have questions or concerns about the disciplinary process. The discipline liaison duties may include: provide information on the discipline process, make available appropriate resources, and communicate discipline related issues to LCSB, LCPS and other stakeholder groups, with the goal of continuous improvement.</td>
</tr>
<tr>
<td>20</td>
<td>Communications (policy)</td>
<td>Approved 11-3-0</td>
<td>Restructure the LCPS discipline policy to present the content and application in a more logical and user-friendly format in order to provide proper and reasonable notice of both the substantive and procedural content.</td>
</tr>
<tr>
<td>21</td>
<td>Communications (school rules)</td>
<td>Approved 14-0-0</td>
<td>Place schools specific expectations/rules in the student agenda and on the schools website for public access and notification.</td>
</tr>
<tr>
<td>22</td>
<td>Communications (FAQ)</td>
<td>Approved 12-0-1</td>
<td>Publish an FAQ about the LCPS disciplinary process. The LCPS FAQ may serve as a supplement to the Virginia Department of Education’s guide &quot;A Parent’s Guide to Understanding Student Discipline Policies and Practices in Virginia Schools&quot;.</td>
</tr>
<tr>
<td>23</td>
<td>Communications (SR&amp;R)</td>
<td>Approved 10-2-2</td>
<td>Translate the SR&amp;R handbook in additional languages.</td>
</tr>
<tr>
<td>24</td>
<td>Communications (SR&amp;R)</td>
<td>Approved 10-2-2</td>
<td>Distribute the SR&amp;R handbook to all students in paper copy.</td>
</tr>
<tr>
<td>25</td>
<td>Communications (school resource)</td>
<td>Not Approved</td>
<td>Provide an unbiased trained school based resource to students who are recommended for long term suspension or expulsion in order to ensure and understanding of disciplinary requirements, educational supports and appeal rights.</td>
</tr>
</tbody>
</table>

### Data, Reporting Recommendations

<table>
<thead>
<tr>
<th>#</th>
<th>Goal Alignment</th>
<th>Disposition</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Data</td>
<td>Approved 9-2-0</td>
<td>Establish a special committee focused on the evaluation and elimination of disparities and/or disproportionality in school discipline. The committee will evaluate the multifacets of the issue, examine data and trends, conduct case students, review other jurisdiction’s policies, and develop recommendations. The committee shall report to the School Board and include professional educators, SpEd specialists, minority group representatives, and members of the community.</td>
</tr>
<tr>
<td>27</td>
<td>Data/Reporting</td>
<td>Approved 13-0-0</td>
<td>Provide individual school based report and analysis of disaggregate discipline data to school administrators for evaluation of data and trends. Include in the formal SIP strategies to reduce the over-representations of minority and disabled students among those who are assigned exclusionary discipline consequences.</td>
</tr>
<tr>
<td>28</td>
<td>Data/Reporting</td>
<td>Approved 12-0-0</td>
<td>Develop a Standardized Incident Report form to be utilized by all LCPS schools for documenting incidents of student misconduct resulting in the removal of a student from class.</td>
</tr>
<tr>
<td>29</td>
<td>Data/Reporting</td>
<td>Approved 13-0-0</td>
<td>Identify the critical metrics to be collected and evaluated by all schools in order to ensure the implementation of fair and effective discipline practices and policies and to ensure consistency of data collection and discipline/consequence implementation across schools.</td>
</tr>
<tr>
<td>#</td>
<td>Goal Alignment</td>
<td>Disposition</td>
<td>Recommendation</td>
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<tr>
<td>30</td>
<td>Best Practices</td>
<td>Approved 10-2-1</td>
<td>Implement graduated discipline policies and practices which provide for consideration of seriousness and chronicity of the violation to ensure that consequences are matched with the seriousness and circumstance of the offense, and first consider a focus on positive discipline practices over the use of suspension and other exclusionary practices. In determining appropriate consequences all mitigating and aggregating factors should be considered.</td>
</tr>
<tr>
<td>31</td>
<td>Best Practices</td>
<td>Approved 7-5-1</td>
<td>Modify LCPS discipline policy and procedures to establish and include a varied range of responses to behaviors using methodologies which produce evidence based results. The use of punitive exclusions should be reserved as a response to serious infractions that threaten the safety of the school environment, or for students who have not responded to other disciplinary methods.</td>
</tr>
<tr>
<td>32</td>
<td>Best Practices</td>
<td>Approved 13-0-0</td>
<td>Continue the planned implementation of Positive Behavioral Interventions &amp; Supports (PBIS) in all LCPS schools. Continue to monitor the implementation of the framework in each school using formative and summative measures and fidelity checks that assess the quality of the implementation.</td>
</tr>
<tr>
<td>33</td>
<td>Best Practices</td>
<td>Approved 12-1-0</td>
<td>Continue to provide performance feedback to schools on their implementation of PBIS to guide and inform the School Improvement Plan. School administrator shall evaluate the data and trends and include strategies and goals to improve the implementation of PBIS.</td>
</tr>
<tr>
<td>34</td>
<td>Best Practices</td>
<td>Approved 14-0-1</td>
<td>Evaluate high implementation and low implementation PBIS schools to identify key processes and outcomes metrics of effectiveness. Identify common themes among the high implementers to be shared with other schools.</td>
</tr>
<tr>
<td>35</td>
<td>Best Practices</td>
<td>Approved 13-0-1</td>
<td>Support a pilot study of alternative discipline practices (Restorative Justice and Collaborative Problem Solving) with certified trainers within LCPS in order to determine if RJ and CPS would be effective adjuncts to PBIS.</td>
</tr>
<tr>
<td>36</td>
<td>Best Practices</td>
<td>Approved 11-0-2</td>
<td>Clearly and regularly communicate to school administrators that context and intent should be considered when an investigation into student misconduct is being conducted and disciplinary outcome is being determined.</td>
</tr>
<tr>
<td>37</td>
<td>Best Practices</td>
<td>Approved 8-3-1</td>
<td>Educational programs on bullying should include information on related Virginia Criminal law violations regarding bullying to inform and make students aware of the potential criminal penalties they may face by misusing social media and other technology tools. Educational programs on bullying and civics lessons on individual rights secured by US and State Constitutions should include instruction on the distinctions between speech which is protected and that which is defamatory.</td>
</tr>
<tr>
<td>38</td>
<td>Best Practices</td>
<td>No vote</td>
<td>Consider the disciplinary disposition of all students involved in an incident upon completion of a disciplinary appeal in which the outcome was to modify the disciplinary action. At that time, the School Board Discipline Committee may choose to modify the disciplinary disposition of the other students involved who did not formally appeal.</td>
</tr>
<tr>
<td>39</td>
<td>Best Practice</td>
<td>Not Approved 5-7-2</td>
<td>Appoint a committee to further research and develop action plans for the implementation of recommendations accepted by the School Board. Group members may be recommended by the Task Force chair, and should include members of the Task Force, school administration and community stakeholders.</td>
</tr>
</tbody>
</table>
POLICY

The Loudoun County Public Schools Policy Manual contains several chapters addressing school discipline. The Task Force Committee made an effort to review relevant school policies and related Virginia Codes. The Task Force discussions on policy issues covered a broad spectrum of topics including revisions to policy language and structure, addition of definitions and procedures, consideration of intent and circumstances, a review of the extent of authority, and removal of predetermined disciplinary outcomes (‘zero tolerance’ policies). In addition, several new policies proposals were discussed.

The recommendations offered herein include suggested modifications to current School Board polices, proposal of new policies, and a recommendation to continue a comprehensive review of Loudoun County School Board Policies.

Recommendation 1: Conduct a comprehensive review of the LCPS discipline polices to ensure conformance with VA Code, clear communications, and best practices.

The review shall include, but may not be limited to: Policy §5-21 (Dishonesty in Assigned Work), Policy §8-2 (Investigations), Policy §8-29 (Exclusion from Extracurricular Activities), Policy §8-40 (Alternative Education), the use of Policy §8-27 in conjunction with Policy §8-28, language on bullying, and a review of all appeal processes.

Disposition: Approved (Yes -9  No – 4  Abstain -1)
Presented by: Ross

Rationale: The charge of the Task Force committee was very broad. During the course of reviewing the school board policies on discipline, it became clear the timeline set forth by the school board was prohibitive in accomplishing an extensive and comprehensive review of all discipline policies necessary to fully accomplish the stated goals. While policies have been reviewed, and policy recommendations discussed, there is more work to be done. Several policies and processes, including those referenced in the recommendation, were not reviewed by the task force.

Note: The Task Force discussed asking for a time extension. However, several committee members expressed the group has done all they can during the time allotted and did not support further continuation of the effort.

Statement of opposition to recommendation (submitted by Crowley): This recommendation somehow implies that the LCPS administration is not doing due diligence to these topics, which is far from being accurate. The LCPS administration was long-suffering and patient in expounding on these provisions and their reasoned and experienced responses to this type of inquiry were solid enough to get on with the items that might be helpful.
**Recommendation 2:** Review and revise LCPS Policy §8-27(B) - *Grounds for Removal from School,* to provide specificity and definitions for conduct listed which may constitute cause for removal from school. The policy lacks definition for several offenses/misconduct, and lacks specificity in item 22 (*Disruptive Behavior*) and item 24 (*Other Sufficient Cause*). It is further recommended that item 23 (*Other Good and just Cause*) be removed.

Disposition: Approved (Yes -12   No -1)
Presented by: Marshall
Rationale: Per LCPS Policy §2-2 and Virginia Code §22.1-79 “A School Board shall see that the school laws are properly explained, enforced and observed. “

LCPS Policy §8-27: *Short Term Suspension from School* provides a list of conduct which may constitute cause for removal from school, however the policy demonstrates a lack of specificity and utilizes catch-all phrases. This is contrary to the intent of the law and is counter-productive to clear and concise language understood by students, parents and staff.

Reference:
LCPS Policy §2-2. Powers and Duties
LCPS Policy §8-27. Short Term Suspensions from School
Virginia Code §22.1-79 : School Board Powers and Duties

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**Recommendation 3:** Revise LCPS Policies and Regulations §8-35, §8-36 and §8-37 to remove the predetermined consequences (zero-tolerance responses) defined in the policies and regulations. Investigate and incorporate disciplinary responses that focus on desired behavior modification outcomes.

Disposition: Approved (Yes -9   No – 4   Abstain -1)
Presented by: Cambetes
Rationale: For violations of LCPS Policies and Regulations §8-35 (Alcohol), Policy §8-36 (Drug), and Policy §8-37 (Tobacco) the disciplinary outcomes, or consequences, are predetermined within the policies themselves. These prescribed consequences fail to allow for the school based administrator to consider the array of circumstances that may exist surrounding an incident or the student’s conduct. In most cases, a violation of the alcohol or drug policy results in a significant amount of time away from the student’s home school regardless of mitigating circumstances or seriousness of the infraction. As research suggests, school exclusions do not necessarily correlate to favorable behavior modifications, and may in fact result in adverse effects on the student, school, and the community.
With drug and alcohol policy violations on the rise in LCPS, it is recommended the prescribed response to these infractions be revised giving consideration to evidence based alternatives. From 2009-2012, while the LCPS student population increased by 9.5%, there has been a 38% increase in drug policy infractions, and a 141% increase in alcohol policy infractions resulting in student suspension or expulsion. The National Center on Addiction and Substance Abuse at Columbia University has reported teen substance use and abuse a problem of “epidemic proportions”. They suggest that intervention, educational programs, and connecting students to health services are key components to effective prevention strategies.

While the Virginia Code includes mandates regarding drug policy violations, the code gives schools the latitude to consider the facts and circumstances and impose discipline actions as appropriate.

**Note:** This recommendation was originally introduced as a modification to LCPS Policy §8-35 and §8-36 to include a “First Offense” policy provision modeled after the “Second Chance” program in Arlington Public Schools (APS) which focuses on early intervention and education while keeping students in school.

Currently, both the APS and the LCPS response to drug and alcohol infractions include educational and intervention components which have produced low recidivism rates. (In LCPS the Insights program is utilized)

In LCPS, the additional punitive component in response to violations, which removes students from their home school for an extended duration, has been in place for many years and was not developed based on evidentiary information.

**Statement of opposition to recommendation (submitted by Crowley):** The implementation of this recommendation may lessen some of the deterrence factor and predictability that students need.

**References:**

LCPS Policy §8-35, Regulation 8-35. Alcohol
LCPS Policy §8-36, Regulation 8-36. Drugs
LCPS Policy §8-37. Use of Tobacco

The State of Discipline in Loudoun County Public Schools – Appendix A


Arlington Public Schools policy 25-1.16 - Prohibited Substance Use Policy.


Arlington Public Schools Second Chance Substance Abuse Program.

**Recommendation 4:** Modify LCPS Policy §8-32 - Weapons to include language which informs principals that circumstances may be considered and discretion may be used when determining disciplinary outcomes for policy violations.

**Disposition:** Approved (Yes -12  No -0  Abstain-1)

**Presented by:** Cambetes

**Rationale:** While LCPS Policy §8-32 is, in part, guided by a statutory mandate of expulsion for firearm possession violations, Virginia Code §22.1-277.07 grants school administrators the authority to consider circumstances when determining the disciplinary outcome for a weapons violation. This authority extends to firearm violations, as well as other ‘weapons’ violations covered in Policy §8-32.

LCPS discipline data shows in 2011-2012 there were 43 weapons violations which resulted in student suspensions and expulsions. 2% of these policy violations were categorized as firearms and 11% as knives. The majority of weapons violations were categorized as “possible weapons” and “weapon look-alikes”.

On a national level, suspensions and expulsions imposed for weapons policy violations are gaining attention. Lunch food bitten into the shape of a ‘gun’ and hollow pen tubes used for spit balls are being deemed weapons and resulting in student exclusions from school and, consequently, community outcry. School exclusions (suspensions and expulsions) are very serious forms of punishment, which should be reserved as acceptable consequence when student safety is in jeopardy.

The proposed recommendation aims to provide guidance and assurance to school based administrators all circumstances can and should be considered when dealing with violations of the weapons policy. With clarity and authority, an overzealous or knee-jerk reaction to a marshmallow gun may be avoided.

**Reference:**
LCPS Policy §8-32. Weapons
Virginia Code §22.1-277.07. Expulsion of students under certain circumstances; exceptions
The State of Discipline in Loudoun County Public Schools – Appendix A
**Recommendation 5:** Modify LCPS Policy §5-55 - *Disciplinary Procedures for Students with Disabilities*, to include a general statement that provides guidance to school administrators to consider unique circumstances of the incident and the student’s disability when the student violates the discipline policy or school code of conduct.

**Disposition:** Approved (Yes -10  No - 1  Abstain - 3)

**Presented by:** Group D (Cambetes, Lody, Lucas, Shipp, Tropf)

**Rationale:** Based on LCPS discipline data, students with disabilities are approximately four times more likely to be suspended from school than their general education peers. (Disabled students make-up ~40% of students suspended, while representing only ~11% of the student population.) Students with disabilities who are facing Long Term Suspension (LTS) or Expulsion (EXP) are afforded a committee review to determine whether there is a manifestation between the child’s disability and the misconduct. However, short term suspensions and in-school restrictions do not afford the student such consideration and make up the vast majority of disciplinary actions. (Over 90% of suspensions are short term suspensions and over 600 In-School Restrictions were assigned to students with IEPs last year.)

Given the disproportional representation of disabled students in the school discipline system, it is recommended school administrators give explicit consideration to the circumstances of an incident and the student’s disabilities when a disabled student violates the discipline policy and is facing disciplinary action.

The suggested policy revisions below have been derived from language provided in the Virginia Department of Education’s *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (8VAC20-81-160 Discipline procedures), which supports consideration of a student’s disability when evaluating the misconduct.

**Suggested policy additions (in bold blue):**

§5-55 Disciplinary Procedures for Students with Disabilities

A. Purpose
The purpose of this policy is to establish procedures, consistent with application law, for the discipline of students with disabilities.

B. General

School personnel shall, on a case-by-case basis, consider any unique circumstances or harmful effects when deciding whether or not to discipline a student with a disability that violates a code of student conduct. In reviewing the disciplinary incident, school personnel should review the child’s IEP and any behavioral intervention plan, and consult with the child’s special education teacher(s) to provide further guidance in considering any unique circumstances or harmful effects related to the incident.

C. In-School Disciplinary Measures

School personnel are authorized to use in-school disciplinary measures in accordance with §8-26 of these policies. A student’s IEP or 504 plan will be reviewed to insure all accommodations and necessary support services are in place to allow the student to access any assigned work.

D. Exclusions from Extracurricular Activities – G. Dangerous Disabled Student – remain unchanged
Reference:
The State of Discipline in Loudoun County Public Schools –Appendix A
LCPS Policy §5-55. Disciplinary Procedures for Students with Disabilities
VDOE: Regulations Governing Special Education Programs

**Recommendation 6:** Revise LCPS Policy and Regulation §8-26 to provide a concise differentiation between each in-school disciplinary measures and the procedural, documentation and notification requirements of each measure (removal of students from class, reprimand, work assignments, denial of privileges, detention, and denial of bus) be included.

In alignment with the Code of Virginia, it is further recommended the disciplinary measure ‘Removal of Students from Class’ regulation (Reg8-26) provide guidelines, including criteria, incident reports, notification, alternative assignments, and procedures for the return to class.

**Disposition:** Approved (Yes -11  No - 1)

**Presented by:** Ross

**Rationale:** School teachers and administrators utilize a variety of disciplinary measures in order to maintain appropriate behaviors in schools as outlined in LCPS Policy §8-26- In-School Disciplinary Measures. The policy attempts to define the options available to school personnel and provide some guidelines for each measure. Upon review of LCPS Policy §8-26 and Regulation 8-26, it was determined the policy and regulation were confusing to interpret. It is recommended the policy be revised to provide concise differentiation between each of the disciplinary measures listed (items A-H) and to include procedural, documentation and notification requirements for each measure.

Furthermore, LCPS Policy §8-26 includes the disciplinary option E.) “Removal from Class”. Employing this particular disciplinary measure is a more comprehensive process which has associated legal mandates including incident reporting, notifications, and criteria for the students return to class (VA Code §22.1-276.2). It is further recommended that this disciplinary measure, “Removal from Class”, be documented in a separate policy section in order to insure alignment and compliance with Virginia Code, and in order to provide clear and accurate information and guidance to administrators and parents.

**Statement of opposition to recommendation** (submitted by Crowley): This recommendation is too burdensome. The effect would apply too many layers in policy thus making almost impossible to uniformly apply. Any variance from a strict policy then shifts too high a burden on the practical application which is surely not what the legislation intended.
**Recommendation 7:** Modify LCPS Policy §8-26f - *In-School Disciplinary Measures*, to include a notice to parents when a student is assigned In-School Restriction.

**Disposition:** Approved (Yes -11  No – 0  Abstain-1)

**Presented by:** Cambetes

**Rationale:** LCPS Policy §8-26: *In SchoolDisciplinary Measures* defines the disciplinary measures which may be employed by school personnel in order to maintain appropriate behavior of students and enforce school rules. LCPS Policy §8-26 states parents must be notified when the following in-school disciplinary measures have been imposed: Detention, Removal from Class, and Denial of Bus Transportation. Parent notice is not explicitly required when the following disciplinary measures are utilized: Reprimand and Counseling, Denial of School Privileges, Work Assignments, and In-School Restriction.

This recommendation requires notification when a student is assigned In-School Restriction as a result of a violation of school rules or policies. When a student’s conduct is such that warrants this removal from class the parent should be notified and provided the incident report so they may assist in managing their child’s behaviors.

**Reference:**
LCPS Policy and Regulation §8-26. In-School Disciplinary Measures
**Recommendation 8:** Modify the LCPS discipline policy to include a provision for Self-Defense. The provision may be incorporated under the Policy §8-2 - Investigations and Searches and/or Policy §8-27 - Short Term Suspensions.

Disposition: Approved (Yes -9  No – 3  Abstain - 1)

Presented by: Ross

Rationale: Currently, there is no official recognition of self-defense in the LCPS discipline policy. In keeping with the language in LCPS Policy §8-1 – Extent of Authority, a just policy would include self-defense as the “rights of individuals” include the natural right to self defense.

“§8-1 Extent of School Authority

The School Board is authorized and responsible to make local regulations for the conduct of schools and for the proper discipline of students, including their going to and returning from school. This authority and responsibility is recognized as necessary and desirable to the maintenance of a school environment which is conducive to learning, free of disruption and threat to persons and property, and supportive of the rights of individuals. The School Board also recognizes its responsibility to assist and encourage students to achieve self-discipline and become responsible citizens.”

An inclusion of self-defense allows for a just disposition of an incident based on the individual circumstances while preventing wrongful punishment of the victim; allows for the discretion of the administrator to determine the true nature of the student’s action and the true threat while permitting just exceptions to what is currently a “zero tolerance” policy for mandatory suspension/expulsion and a common complaint of parents; and lastly, holds leadership responsible for making an appropriate inquiry which should result in suspension/expulsion for only those cases which truly merit such serious discipline.

LCPS Policy does not currently provide for consideration of Self-Defense in the official discipline policy. Such consideration is permitted - Virginia Code §22.1-279.6 states as follows:

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to.... (ii) standards, consistent with state, federal and case laws, for school board policies on...., self-defense,

The Virginia Department of Education also addresses the issue of a self-defense policy in their Student Conduct Policy Guidelines (2009) page 29:

Self Defense:

A code of student conduct may, but is not required to, address consideration of self-defense as a factor in determining appropriate disciplinary action. Procedures for such consideration should include an opportunity for the student(s) to present the student’s version of what occurred, as well as a review of facts, involving school personnel and others as appropriate. The fact-seeking process may include students and other staff who may have witnessed the incident or have observed previous interactions between the students involved. In cases where self-defense is claimed, there may be a “history” between the students that often takes the investigation
beyond looking at the single incident to examining patterns of interaction, past threats, and bullying. Persons from whom information is obtained could include a bus driver, other students, and parents.

School boards developing disciplinary policies including self-defense should provide criteria that defines when an incident would be considered an act of self-defense. Based on the criteria used in the judicial system for a claim of self-defense to apply, the following conditions should be met. The person claiming self-defense must:

1. Be without fault in provoking or bringing on the fight or incident
2. Have reasonably feared, under the circumstances as they appeared to him, that he was in danger of harm
3. Have used no more force than was reasonably necessary to protect him from the threatened harm.

A school board’s policy addressing self-defense should retain a prohibition for bringing weapons of any kind to school for the purpose of self-defense and explicitly state that self-defense does not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity.

Statement of opposition to recommendation (submitted by Crowley): The "no fighting" rule has been very successful as evidenced by students almost unanimously knowing if "you get in a fight ..you get suspended." Administrators opined that LCPS works hard to have an adult in close proximity at all times and students have that "defense " to rely on, that there are rarely times when parties in a fight don’t all bear some responsibility, and in those rare instances where one student is the "primary aggressor" the later recommendations in this report support administrators use of discretion.

Reference:
LCPS Policy 8-1. Extent of Authority
Virginia Code §22.1-279.6: Board of Education guidelines and model policies for codes of student conduct
Recommendation 9: Modify the Student Rights and Responsibilities (SR&R) Handbook to include information on Self Defense criteria within the section on ‘Fighting’ (p.11).

Disposition: Approved (Yes - 6  No – 5  Abstain-2)

Presented by: Ross

Rationale: This recommendation is presented in conjunction with Recommendation 8 - Include a provision for Self-Defense in LCPS Policy – and suggests a modification to the Student Rights and Responsibilities handbook. If the School Board accepts Recommendation 8, it is further recommended the Student Rights and Responsibilities handbook be modified to include information on the self-defense provision and criteria. The ‘Self-Defense’ language provided by the ‘Virginia Department of Education in the Student Conduct Policy Guidelines’ document (p.29) may serve as a good model language.

Statement of opposition to recommendation (submitted by Crowley): The close vote on this recommendation mirrors the discussion of introducing the idea of “self-defense” in the mix as is covered in #6. Some opposed felt it would not be practical and the current "fighting" procedures were effective.

Reference:
VDOE: Student Conduct Policy Guidelines, 2009
Virginia Code § 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.
**Recommendation 10:** Parents of students accused of misconduct for “bullying” are to be notified of the accusation of bullying and the specific conduct and facts of their child’s behavior alleged to factually constitute the bullying conduct.

**Note:** The original recommendation as presented to the Task Force also included the following language: “To establish an objectively neutral definition of bullying in order to inform, provide notice and aid to parents, students, and administrators of the conduct that substantively and factually constitutes an offense of “bullying” and that will be applied to the facts of the individual student’s conduct alleged to be the misconduct.”

During the Task Force meeting this language was removed from the vote because the Virginia GA has specifically addressed the need to define bullying by statutorily defining this misconduct in the 2013 session. The removed recommendation language is included here as a whole so the general argument of the rationale is understood and the necessity of defining misconduct offenses in policy is consistent with legislative intent and activity. Virginia School Boards will be required to adhere to the definition of bullying. See Resources noted below.

**Disposition:** Approved (Yes -6  No – 4  Abstain - 2)

**Presented by:** Ross

**Rationale:** Bullying is at all times wrong. Unfortunately, “bullying” is the offense du jour that is quickly becoming the subject of the same type of politically laden posturing that lends itself to issues with important cultural and emotional sensitivities behind them. The two parts of this recommendation were offered in tandem to avoid the problems school boards are presently experiencing, and are the subject of many discipline policy reviews taking place across the US. These problems and reviews are the results of the practical impact of similar historical posturing with regard to “guns, alcohol, and drugs.”

The goal of the tandem recommendation is two-fold: What have we learned from past policy development & application that does not work and lends itself to unjust discipline? And, how do we determine objectively what the misconduct is in order to apply appropriate and individually specific discipline to students with the positive goal of keeping them on track with his or her educational goals? A neutral definition of bullying serves the ends of justice because it does not make distinctions upon anything other than one’s humanity. No human being is to bully another.

Bullying should be defined (as all misconduct offenses ought to be) to distinguish it from “fighting” and to assist from further victimizing the bullied person who, when a physical altercation is in the fact pattern, may be legitimately acting in self-defense.

Lastly, the two part recommendation serves the purpose jointly of ensuring a proper inquiry and/or investigation is done to establish and distinguish between conduct (speech and or other behavior or comment) that is properly the exercise of individual fundamental rights and liberties such as freedom of religion, speech, conscious and to speak in dissent, as well as meeting substantive and procedural due process requirements.
Statement of opposition to recommendation (submitted by Crowley): This recommendation is too broad to sustain a standard of “factually constituting bullying”. The best "cure" is the use of principal discretion.

References:
LCPS Policy §8-27b(10) and §8-28(B)(2)


“TO THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA...
Recommendation to include imbalance of power...
“The definitions of “bullying” provided by many school divisions in reviewed division policies and student codes of conduct did not include the component of imbalance of power as described in the literature, which also differentiates bullying from fighting. Fighting is between relative equals; however, in instances of bullying, there is a real or perceived imbalance of power between bully and victim.”

First Amendment: Dear College Letter July 28, 2003
http://www2.ed.gov/about/offices/list/ocr/firstamend.html
Some conduct alleged to be harassment may implicate the First Amendment rights to free speech or expression. For more information on the First Amendment’s application to harassment, see the discussions in OCR’s Dear Colleague Letter: First Amendment (July 28, 2003), available at http://www.ed.gov/about/offices/list/ocr/firstamend.html, and OCR’s Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (Jan. 19, 2001) (Sexual Harassment Guidance), available at http://www.ed.gov/about/offices/list/ocr/docs/shguide.html.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, non-disruptive environment for effective teaching and learning.

Each school board shall include, in its code of student conduct, prohibitions against bullying, hazing, and profane or obscene language or conduct. School boards shall also cite, in their codes of student conduct, the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, i.e., confinement in jail for not more than 12 months and a fine of not more than $2,500, either or both.
**Recommendation 11:** Recommend the Loudoun County School Board propose legislative action be taken that "No statements of admission of a juvenile made as a result of an interrogation or questioning at a school division shall be used as evidence against the student in a juvenile court hearing unless a parent, guardian, or legal custodian was present."

Disposition: Approved (Yes - 7  No -6  Abstain-1)

Presented by: Ross

Rationale: Students are being prosecuted in juvenile court with evidence of statements made during questioning at school without the presence of a parent or guardian. In the controlling case on “Miranda Rights” during student interrogations, JDB vs NC, the Court mentions, in the dissenting opinion, remedies other states have used to overcome concerns of the custodial interrogation issue in the context of the school-house setting and the lack of parental notification or presence. "States are free to enact additional restriction on the police over and above those demanded by the Constitution or Miranda. In addition these states generally create clear, workable rules to guide police conduct.” Statutes were cited which require or permit parents to be present during custodial interrogations of a minor, that require minors to be advised of a statutory right to communicate with a parent or guardian, and that require parental consent to custodial interrogations.

Statement of opposition to recommendation (submitted by Crowley): This recommendation was seen as the equivalent to having to "Mirandize" a student in a disciplinary context. It is beyond the scope of the DTF to suggest the School Board seek legislative relief. Furthermore, the main crux of the argument in favor of this recommendation came not from the majority, but from the minority in a dissenting opinion in a recent Supreme Court case.

Statement in support of recommendation (submitted by Robinson): As a parent representative, I believe this recommendation comes into play at a critical point in the discipline process. Because school administrators act as representatives of the state rather than parental surrogates when they engage in disciplinary functions, the individual child has the right to be protected and supported - by parents, guardian, or legal custodian. Typically, children and parents unconditionally trust adults in a school system to protect them. It is a school administrator’s obligation to turn that role over to the parents if /when the administrator becomes a state representative and is no longer a parental surrogate. Without this protection, it is a bait and switch and should not occur at the educational level when children and parents believe they are “safe”. I did not support the recommendations that would incorporate Parental Notification requirement into the LCPS policy because I felt that this is important enough to be handled at the legislative level.

Reference:
US Constitution, 5th/14th Amendment
Miranda use in Custodial Interrogations
Virginia Code § 22.1-78. Bylaws and regulations.

Policy Recommendations: Not Approved

The following policy recommendations were not approved by the majority of Discipline Task Force Committee members present at the time of presentation:

**Recommendation 12:** Modify the LCPS discipline policy to include a due process provision on Parental Notification as follows: The school principal or his designee shall notify the parents or guardians of a student 1) when the student is suspected of violating a school board policy when such violation may result in the student’s suspension, the student’s expulsion, or the notification of law enforcement, and 2) when school administrators begin an investigation* into the suspected violation.

The provision would allow for the consideration of exigent circumstance, in which the notification requirement may be waived.

*For the purpose of this provision, the definition of “investigation” shall not include any questioning of a student during or in the immediate aftermath of a potential violation; however, any further questioning of a student by an administrator shall constitute an investigation.

Disposition: Not Approved (Yes – 4 No – 8 Abstain - 2)

Presented by: Cambetes

Rationale: Parental notification has been the subject of discussions at the local and state levels. Some Loudoun County School Board members have suggested it was a topic that was frequently brought up during campaigning, and state lawmakers have proposed several bills aimed to address the issue of timely parental notification. The notion of Parental Notification when a child is suspected of a serious violation of school rules is in keeping with the language in the Code of Virginia § 22.1-279.3(a) which states “Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards for student conduct.” Often during a disciplinary action, there is a breakdown of trust between the schools and parents, in part, due to the minimal due process afforded. Involving parents early will help to safeguard this trust and due process protections.

Statement in support of majority (submitted by Crowley): Some committee members in opposition to this recommendation stated that extending some form of parental “veto” power over every day school
management is not fostering partnership, but opening up absolute blocks to reasonable and necessary disciplinary actions.

Statement in support of recommendation (submitted by Cambetes): This recommendation generated a significant amount of dialog among committee members primarily with regard to the implementation of such a provision and the obstruction to process this may cause.

The practical implementation of Parental Notification was challenged. In response, I point out that the provision of notice applies only when a student is suspected of a serious violation of school policy, and it addresses the school’s authority to question students during preliminary investigations and when exigent circumstances exist without notice. As stated during committee discussion, the requirement to notify parents when their child is suspended or expelled from schools already exists – parents are called. This recommendation simply changes the timeline of “WHEN” the call is placed, and puts parents on notice earlier in the process.

In terms of obstruction to process such a provision may cause, school staff argued parents are incapable of being objective about their children and do not have a practical or legal right to be present when their child is being questioned by administrators. Regardless of if this provision were to exist, staff suggested that schools would be advised against allowing parents to be present during the questioning of their children.

Parental notification is not an attempt to derail an investigative process. But rather it is an attempt to assist in the fair and accurate execution of the process. A parental notification provision will go a long way in maintaining trust, in supporting the collaborative nature of public education, in ensuring due process, and in acknowledging the duties and rights of parents.

Reference:
Virginia § 22.1-279.3. Parental responsibility and involvement requirements.
HB1080 http://lis.virginia.gov/cgi-bin/legp604.exe?121+ful+HB1080
HB656 http://lis.virginia.gov/cgi-bin/legp604.exe?121+ful+HB656
**Recommendation 13:** Modify the LCPS discipline policy to include a due process provision on written and signed statements as follows: Students suspected of a violation of school policy, that is a serious violation, or that may result in the student’s suspension or expulsion shall not be required to write or sign a written statement before a reasonable effort has been made to contact the student’s parents or guardian and the parent or guardian has given consent.

The provision would allow for the consideration of exigent circumstance, in which this requirement may be waived.

**Disposition:** Not Approved  (Yes – 5  No –7  Abstain -2)

**Presented by:** Cambetes

**Rationale:** Typically, when a student is suspected of a violation of school policy, he/she is asked to provide a written account of what transpired. This statement becomes part of the body of ‘evidence’ and record. The statement can be used in evaluation of the school discipline matters, and can be submitted in legal matters as well. Therefore, it is recommended that a child’s parents be notified and give consent prior to obtaining a written statement. This recommendation recognizes the need for school officials to conduct unobstructed investigations and, therefore, suggests this provision not apply in exigent circumstances.

**Statement in support of majority** (submitted by Crowley): Some committee members opposed to this recommendation stated that this recommendation was too far-reaching and the equivalent of requiring that courtroom rules and procedures would become normative in the classroom.

**Statement in support of recommendation** (submitted by Cambetes): While school officials insist written statements are voluntary, students are not advised of this. Rather, they are asked to provide their written account of what transpired and sign the document. These statements can then be used against the students in school or court matters. Given the significant weight these statements carry, and the fact that when under pressure children are significantly more likely to make a false confession, it is logical that parents be notified and offer consent before a written and signed statement is obtained.
**Recommendation 14:** Modify the LCPS Policy §8-32 - Weapons Safe Harbor clause, to provide discretion to school administrators by removing specific language regarding discovery of a weapon.

**Disposition:** Not Approved (Yes -3 No- 6 Abstain-3)

**Presented by:** Ross

**Rationale:** The LCPS policy on weapons (Policy §8-32. Weapons -Safe Harbor) contains a provision designed to provide protection to the student who inadvertently possesses a weapon on school property.

INADVERTANCE or “INTENT” is related to the individual student’s state of mind; however the “Safe Harbor” policy as written ties the intention of the student to whomever discovers the weapon. This is not an objectively or logically true position as the state of mind follows the actor not the discoverer. The result of the current policy language is that the student’s offense is deemed “purposeful” even though it may in fact be unintentional. Such a finding would be unjust and would violate the intention of Federal or State provisions which permit exceptions to mandatory suspension/expulsion at the lowest level.

The proposed policy modification (below) holds all leadership responsible for making an appropriate inquiry and results in suspension/expulsion for only those cases which truly merit such severe discipline. It works to interject common sense into the discipline policy on a very politically charged but not necessarily objectively just discipline practice.

**Proposed Policy modification:**

**SAFE HARBOR**

The following shall not constitute a violation of this policy:

(a) The accidental or inadvertent possession of a weapon by such student if the student accidentally or inadvertently brought the weapon onto school property or to a school-sponsored activity, provided the student immediately reports the same to a teacher or administrator upon discovery thereof by such student and before it is discovered or seen by a teacher, administrator or other school employee or by another student; or

(b) The possession of a weapon by a student if such weapon was found on school property or at a school-sponsored activity by such student, provided the student immediately reports the same to a teacher or administrator and before such weapon is discovered or seen by a teacher, administrator or other school employee or by another student.

Notwithstanding the foregoing, there may be a requirement to report such possession to law enforcement officials as provided in state law.

**Statement in support of majority** (submitted by Crowley): The safe-harbor exception allows a student to "cure" his wrong and that the policy seems to be working. Determining "intent" after the fact would disrupt the entire concept of the weapons policy and its strict adherence. A recommendation has been supported by the majority which suggests principals exercise discretion in circumstances involving weapons.
Statement in support of recommendation (submitted by Cambetes): This recommendation works to allow for more latitude and discretion under the Safe Harbor provision. It aims to “untie” school based administrators hands which are tightly bound by the current discovery language; and better accomplishes the intent of the Safe Harbor provision of allowing for greater consideration of circumstances. The committee repeatedly supported more admin discretion and consideration of mitigating circumstances in discussions and recommendations, yet failed to make that connection here.

Reference:
LCPS Policy §8-32. Weapons
Virginia Code § 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.
**Recommendation 15:** Revise LCPS Policy §8-1- Extent of School Authority, to clarify language regarding jurisdiction which is arbitrary and clarify parental sovereignty in discipline matters that are not on campus, on the bus, or at a school sponsored event.

**Disposition:** Not Approved (Yes -2  No – 6  Abstain - 4)

**Presented by:** Ross

**Rationale:** The policy recommendation aligns the LCPS policy with the VDOE recommended language, and it removes the policy language that extends LCPS’s disciplinary authority to an overboard reach. The school system is not an unlimited and boundless authority. The recommendation includes the removal of the last sentence in LCPS Policy§ 8-1, paragraph 2, and clarification of jurisdiction that is arbitrary since not tied to school property, i.e. in private vehicle. These changes will provide clarification of parental sovereignty in discipline matters that are not on campus, on the bus, or at school sponsored event.

(See also rationale in Recommendation #18).

*Policy §8-1 Extent of School Authority (paragraph 2)*

*Suggested change:* “In accord with its authority and responsibility, the School Board has adopted policies governing student behavior and has authorized each school to develop school rules consistent with School Board policies. These policies and rules shall apply to students during the school day; while going to or returning from school, whether the student is walking, waiting for, or riding a school bus or a private vehicle, while the student is participating in or attending any school-sponsored activity, whether at school or elsewhere; or whose conduct at any time or any place interferes with or obstructs the mission or operation of the schools or the safety or welfare of students or employees or their property. ”

**Statement of opposition to recommendation** (submitted by Crowley): This recommendation stirred up controversy among the groups. Some of the opposition to this recommendation was based on the societal need to allow a school to protect its students and comply with its mission even in extenuating circumstances. The idea is that as long as there is some "nexus" between the offensive behavior and the operation of a safe school, then it is within the school's purview (at least initially) to do so. This does not mean that the school's authority/jurisdiction shall be used in unreasonable circumstances.

**Statement is support of recommendation** (submitted by Cambetes): There must be limits on how far the schools can reach into the lives of children and their families. The currently policy language suggesting schools have authority over student “conduct at any time, any place” which interferes with the school is unarguably arbitrary.

**Reference:**
LCPS Policy 8-1. Extent of Authority
VDOE: Student Conduct Policy Guidelines, 2009
**Recommendation 16: Policy:** Modify LCPS Policy §8-1- Extent of Authority, to include, at a minimum, the sections below. Following the general authority section, two additional sections should be added: one consolidating Parental Notice and one that provides a List of Offenses.

- **Section A:** Shall include a general policy statement.
- **Section B:** Shall define and consolidate what constitutes Parental Notice.
- **Section C:** Shall provide the list of school rules/offenses.

**Disposition:** Not Approved (Yes -4  No-7  Abstain -3)

**Presented by:** Ross

**Rationale:** Currently, the discipline policy is poorly assembled and disjointed. For example, the list of ‘offenses’ is found under LCPS Policy §8-27- Short Term Suspension yet is applied across multiple policies without cross reference. Therefore, a student who received detention, for example, will not intuitively locate the list of prohibited offenses nor does he know what type of conduct constitutes the offense. In addition, parents have a difficult time understanding what “notice” refers to throughout the policy.

All stakeholders, administrators, parents, and students would benefit from the clarity in policy proposed in this Recommendation.

**Suggested policy format change:**

- **§8-1 Extent of School Authority**
  - A. General
  - B. Notice to Parents and Guardians
  - C. Standards of student conduct

**Statement in support of majority** (submitted by Crowley): This recommendation is unnecessary as the current policies have been recently been reworked and are reviewed often with each new bit of legislation and VDOE regulation.
**Recommendation 17:** In order to provide plain & clear notice to parents, students, and administrators of the scope and limits of LCPS Authority, LCPS Policy §8-1- Extent of Authority, should be revised to include and explicitly state the relevant statutory language that constitutes the adopted policy and/or specifically identify and acknowledge when the adopted language affords more due process in the policy than is required by state or federal law with regard to the following:

i. The nature of School authority/power
ii. The extent of the school board’s jurisdiction and application to all students
iii. The parental responsibility and duty to assist the school in enforcing the standards of conduct, the compulsory school attendance law, and the power and basis upon which school authorities may petition the court for relief and/or civil penalties for failure of a parent to assist.
iv. The explicit recognition in this section that parental rights are not waived and still protected by the constitutions or laws of the US, the Commonwealth
v. The right of parents to express disagreement with the policies or decisions without fear of reprisal.

**Disposition:** Not Approved  (Yes -6   No-8)

**Presented by:** Ross

**Rationale:** The current language in Section 8-1 includes some of the specific language found in the relevant statutes. However, section, 8-1 also includes language describing a very broad 24hr/7day jurisdictional school authority over student conduct “at any time or any place” a phrase which inappropriately lends itself to two troublesome issues* 1) the “unseemly and dangerous precedent to allow the state, in the guise of school authorities, to reach into a child’s home and control his/her actions there to the same extent that it can control that child when he/she participates in school sponsored activity” and 2) the concept that the school yard has no boundaries and school authorities have unlimited reach.

Although the classic brick and mortar or geographical threshold associated with jurisdiction is increasingly blurred, the language of the LCPS Policy Extent of School Authority should not contribute to the blurring. Explicitly stating in the foundational section the “extent of authority that is clearly granted, where it is limited and checked by the rights of Parents” as described in i-v. above serves to inform and put all persons on notice as to what are some clear boundaries and describes the roles and responsibilities of the parties in relation to each other.

Secondly, the policy as currently written focuses on the power and authority of the schools and the parental duties, with less description and acknowledgement of the corresponding rights of parents.

Finally, if the LCPS School-Board properly affords more due process than is required by state or federal law then that should be included in the policy statement.
Statement in support of majority (submitted by Crowley): Although perhaps well-intended, the recommendation reads like an "apology" to the citizens for running a school system that requires and expects certain things from its participants and the general community.

* Layshock v. Hermitage School District, 650 F.3d 205 (3rd Cir.2011)(en banc)(cert denied) the language quoted and paraphrased here accurately describes the current conflicts and lack of clarity regarding the extent of coercive power the “school-house” might exercise over misconduct specifically with regard to off-campus speech and the 1st Amendment Freedom of speech. However, it is also illustrative of the potential conflicts between parental sovereignty to raise and discipline one’s own children off-campus, in spite of and when arguably, more and more conduct with the aid of technology and the internet may be reasoned backward to have a nexus to the school house.

Reference:
LCPS Policy §8-1
VDOE: Student Conduct Policy Guidelines, 2009
Virginia Code § 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations
Virginia Code § 22.1-279.3. Parental responsibility and Involvement requirements
Virginia Code § 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.
VA Constitution Art VIII School Boards
VA Constitution Article 1 Bill of Rights (Freedom of Conscience)
COMMUNICATIONS

The Task Force Committee discussed the importance of communications between the school system and students and their parents/guardians with respect to clearly defined conduct expectations and discipline policies and procedures. The need for clear and effective communications is essential to developing and fostering the partnership and collaboration required, and mandated, between schools and parents in ensuring appropriate student conduct.

The importance of disseminating information regarding student conduct expectations and school rules, and the need to provide support for families who are dealing in the discipline process were the basis for several recommendations provided herein aimed to improve communications and dialog with parents and students. The Task Force discussed extensively the desire to provide unbiased support to families who are dealing in the discipline process – specifically, in understanding policy, process, appeals, and available resources.

Recommendation 18: Develop a Discipline Philosophy Statement to be included in the LCPS discipline policy in order to provide guidance in policy and consistency in practice

Disposition: Approved (Yes -14 No - 0)

Presented by: Cambetes

Rationale: The LCPS Policy on discipline does not contain a clear statement of purpose or philosophy. Including such a statement is recommended by the VDOE, and would assist in providing clarity and guidance to students, parents, administrators, and school board members in understanding, developing, and consistently enforcing the discipline policy.

In Loudoun County, the School Board and school system are at a “philosophical fork in the road” in terms of student discipline. Administrative discipline decisions appealed to the School Board Discipline Committee are often modified or overturned. The development of a discipline philosophy statement may assist in providing clear guidance in policy and consistency in practice.

The ‘Virginia Department of Education’s Student Conduct Policy Guidelines (2009)’ states that the ‘local school board policy on student conduct should address certain basic elements including: 1. Statement of purpose and intent and/or philosophy. ’. The Virginia Department of Education offers sample language of ‘Statement of Purpose and Intent’ in the policy guidelines.

Reference:
VDOE: Student Conduct Policy Guidelines, 2009
http://www.doe.virginia.gov/boe/guidance/safety/student_conduct.pdf (p.5-6)
Recommendation 19: Appoint a discipline liaison, considered to be an independent or neutral party, to serve as a point of contact for parent/guardians and students who have questions or concerns about the disciplinary process. The discipline liaison duties may include: Provide information on the discipline process, make available appropriate resources, and communicate discipline-related issues to the LCSB, LCPS and other stakeholder groups, with the goal of continuous improvement.

Disposition: Approved (Yes - 13 No -0  Abstain-1)

Presented by: Gonzalez-Sales/Hvozdovic/Marshall

Rationale: After a violation of school policy occurs, students and their parents/guardians face a discipline process that is stressful, complex and often confusing for them. Individuals may be unsure of the process and their rights that are a part of the discipline process. Although questions exist, some cultures or subgroups may be less likely to raise issue of the process or decisions made by an authoritative figure. Given the complexity of the discipline process, the significant impact to students, the influx of numerous cultures in Loudoun County, and the various appeal procedures, it is recommended an unbiased individual be available as a resource to parents and guardians.

Information provided to parents by a Discipline Liaison may also provide for greater utilization of the appeal process. Ultimately, this could result in a decrease in expulsions and reductions in long term suspensions durations. Equity in the discipline process may be better ensured. The liaison, neutral in nature, may help to assist those groups where there historically have been disproportionate patterns of discipline and/or who may not otherwise participate in an appeal.

A Student Discipline Liaison would help to ensure that accurate information is disseminated, misconceptions are addressed, and feedback is provided to the school systems on issues and recommendations for continued improvement.

The Task Force Committee suggests the Parent Resource Center, located at 20 Union Street in Leesburg, may as en effective central location for this liaison.

Note: Similar recommendations were presented from two different working groups. The groups worked on consolidated language to formulate this recommendation.
**Recommendation 20:** Restructure the LCPS discipline policy to present the content and application in a more logical and user-friendly format in order to provide proper and reasonable notice of both the substantive and procedural content.

**Disposition:** Approved (Yes -11  No - 3)

**Presented by:** Ross

**Rationale:** As it exists now, the LCPS discipline policy document is difficult to navigate. It fails to provide a glossary of terms or list of defined offenses apart from a general list of offenses in the suspension section. There is no logical information path for parents, students or administrators to efficiently find information or to cross reference variations in the notice and procedural requirements among the sections and offenses. This adds to the confusion, misunderstanding, or lack of clarity and/or arbitrariness in the discipline process and its application, the notice of rights and corresponding duties of students, parents, and administrators.

A good model of document structure to follow may be the substantive and topical order in the Virginia Department of Education *Student Conduct Policy Guidelines (2009)* Table of Contents as it offers a logical presentation of the information.

**Reference:**

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**Recommendation 21:** Place schools specific expectations/rules in the student agenda and on the schools website for public access and notification.

**Disposition:** Approved (Yes – 14  No -0)

**Presented by:** Gonzalez-Sales/ Hvozdovic

**Rationale:** Beyond the LCPS Student Rights and Responsibilities handbook, individual schools may develop specific conduct expectations and school rules. These school specific expectations/rules are not always readily available to students and parents in a public forum, such as the school website.

Each year, students are given school agendas [planners] that are often utilized for dissemination of important school information. Many agendas print crucial components from the Students Rights and Responsibilities [SR & R] handbook. However, many school specific expectations/rules are not listed in the agenda or the website. By having this information posted both in the school agenda and on the school website students and parent/guardians have full access to school expectations.

**Disposition:** Approved (Yes - 12  No -0  Abstain-1)

**Presented by:** Crowley

**Rationale:** When a student violates the school’s code of conduct and is facing a disciplinary consequence, parents and guardians have many common questions and concerns about the process. The development of a Student Discipline FAQ will assist in providing consistent and accurate information to families, and to clarify common concerns and/or misconceptions.

The Virginia Department of Education has developed the “Parent’s Guide to Understanding Student Discipline Policies and Practices in Virginia School” which may serve as a good model for an LCPS document.

**Reference:**

http://www.doe.virginia.gov/support/student_conduct/parents_guide_student_discipline_policies.pdf
Recommendation 23: Translate the Students Rights and Responsibilities (SR&R) Handbook in additional languages. The SR&R is currently available in English and Spanish.

Rationale: see recommendation #24

Disposition: Approved (Yes - 10 No -2 Abstain - 2)

Presented by: Gonzalez-Sales/ Hvozdovic

Recommendation 24: Distribute the Student Rights and Responsibilities (SR&R) Handbook to all students in paper copy.

Disposition: Approved (Yes - 10 No – 2 Abstain-2))

Presented by: Gonzalez-Sales/ Hvozdovic

Rationale (for #23 and #24): The Student Rights and Responsibilities handbook is an important tool used to communicate the rights and responsibilities of parents and students, and to define expectations of student conduct. LCPS parents and students are required to acknowledge receipt of the document, acknowledge student conduct and attendance requirements, and agree to cooperate with schools in managing their child’s conduct. Due to the importance of this document content and the significance of the required acknowledgements, it is recommended that the SR&R Handbook be made available in languages common within the school community, and that SR&R be provided in paper form to all students in the first day of school packets.

Reference:
Communications Recommendations: Not Approved

The following Communications recommendation was not approved by the majority of Task Force Committee members present at the time of presentation:

**Recommendation 25:** Provide an unbiased trained resource (e.g. the guidance counselor or parent liaison) to students who are recommended for long-term suspension or expulsion in order to ensure an understanding of the disciplinary requirements, educational supports available, and appeal rights. This resource will be available to attend all meetings between the school administration and the student and their guardian, as well as disciplinary hearings. The coordination of the resource will be facilitated through the school Guidance department.

**Disposition:** Not Approved (Yes-6  No-6  Abstain- 1)

**Presented by:** Marshall

**Rationale:** Regrettably, statistics in the Nation, and to a similar degree in Loudoun County Public Schools, indicate that certain demographics correlate with a disproportionate percentage of students facing suspensions and expulsions. Special Education students with IEPs also face a disproportionate number of recommendations for suspension and expulsions.

With certain cultural groups and demographics less likely to take advantage of the appeal process, greater knowledge and utilization of the discipline and appeal process may result in a decrease in disproportionate representations in LTSs and Expulsions.

The Guidance Department does not deal in student punishments, but does counsel with students having behavior issues.

*Note: Similar recommendations were presented from two working groups. The specific language offered with this recommendation was rejected by the Task Force Committee due to concerns of resource constraints and the challenge of a school based employee providing unbiased support.*

**Statement of opposition to recommendation** (submitted by Crowley): The premise of this recommendation was generally supported, and concerns stemmed primarily from logistics. It would be a significant undertaking to have a trained resource at every school site and a challenge for a ‘school-based’ employee to remain truly ‘unbiased’. Similar objective was achieved in a subsequent recommendation that was approved by the committee.
DATA COLLECTION, REPORTING, and EQUITABLE DISCIPLINE

Over the course of several meetings, the Discipline Task Force requested student demographic and discipline data from LCPS. Dr. Ryan Tyler managed those requests, compiled data, and made several presentations to the group. It became clear to the committee a further evaluation of the discipline data currently being collected by LCPS and a determination of important data which is not being collected are in order. However, it was generally believed to be beyond the capacity of the Discipline Task Force to identify and evaluate the critical metrics necessary for the evaluation of fair, effective, and equitable discipline practices.

In addition, based on the LCPS data presented by Dr. Tyler, the Task Force expressed concerns regarding the disciplinary outcomes of specific subgroups of students. Within LCPS, like many other jurisdictions nationwide, minority students and students with disabilities are disproportionally over represented in school exclusions.

- Hispanic students are 1.5 times more likely to be suspended relative to their percentage of the overall population
- Black students are nearly 3 times more likely to be suspended relative to their percentage of the overall population
- Students with an IEP are 3.5 times more likely to be suspended relative to their percentage of the overall population
- Data does not provide evidence that Hispanic students, black students, and students with disabilities engage in higher percentages of serious offenses

At the suggestion of LCPS senior staff, the Task Force solicited the services of Hanover Research to assist in further evaluation of the equity of discipline practices and policies. Hanover Research prepared a report (Appendix B) which provides a foundational description of the issues, outlines key factors which have been found to contribute the higher suspension rates for minority students, and suggests strategies for creating safer, fairer, and more supportive educational communities. The Task Force Committee urges the School Board to review and consider the Hanover report – *Ensuring Equitable Discipline: Policies and Practices* prepared for Loudoun County Public Schools.

The Task Force presents herein recommendations which suggest the need to identify critical discipline data collection metrics, identify the practical uses of data currently being collected, and suggests the formation of a special committee to evaluate and work towards the elimination of disparities within LCPS school discipline.
Recommendation 26: Establish a special committee focused on the evaluation and elimination of disparities and/or disproportionality in school discipline. The committee will evaluate the multi-facets of the issue, examine data and trends, conduct case students, review other jurisdiction’s policies, and develop recommendations. The committee shall report to the School Board and should include professional educators, special education specialists, minority group representatives, and members of the community. In creating the committee, the charge must define specific goals and timeline.

Disposition: Approved (Yes - 9 No - 2)

Presented by: Group D (Cambetes, Lody, Lucas, Shipp, Tropf)

Rationale: The Task Force Committee spent several meetings discussing the disparities in school discipline and suspensions and concluded this complex issue requires further evaluation of the data, patterns, infractions, staff training, school climates, case studies, etc. While the data is clear minority and disabled students are excluded from school due to misconduct at higher rates than their peers, there is not one simple cause or solution. As reported by Hanover Research, and supported in a growing body of research, the elimination of disparities in school exclusions will require a multifaceted solution.

Therefore, it is recommended a dedicated committee be formed to focus on isolating the cause(s) and evaluate research based remedies. This will insure LCPS derives and implements the best and most effective strategies to address these issues. The effort may also benefit from collaboration with county departments who are undergoing a similarly focused effort within the justice department.

Reference:
The State of Discipline in Loudoun County Public Schools – Appendix A
Discipline Policies, Successful Schools, and Racial Justice, October 2011.
Opportunities Suspended: The Disparate Impact of Disciplinary Exclusions from School, August 2012
**Recommendation 27:** Provide individual school based report and analysis of disaggregate discipline data school to administrators for evaluation of data and trends. Administrators shall include in their formal School Improvement Plan strategies to reduce the over-representation of minority and disabled students among students who are assigned exclusionary discipline consequences.

Disposition: Approved (Yes - 13 No - 0)

Presented by: Group D (Cambetes, Lody, Lucas, Shipp, Tropf)

Rationale: Disaggregate discipline data is currently collected by LCPS and reported to the Virginia Department of Education. This data provides valuable insight which may be used to evaluate disparate discipline trends within the LCPS school system and individual schools. Each LCPS school should analyze and utilize this data and formulate and implement strategies designed to reduce the over representation of minority and disabled students among those excluded from school. School Improvement Plans (SIP) should report aggregate and disaggregate discipline data and trends, and should outline goals and strategies to address disparately imposed school exclusions that are known to exist.

Reference:
The State of Discipline in Loudoun County Public Schools – Appendix A

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**Recommendation 28:** Develop a Standardized Incident Report form to be utilized by all LCPS schools for documenting incidents of student misconduct that result in the removal of a student from class.

Disposition: Approved (Yes -12 No - 0)

Presented by: Marshall/Ross

Rationale: LCPS does not have a universal, standardized incident report to be used and completed by school personnel and provided to parents when a student is removed from class. A standardized incident report would provide teachers with guidance in documenting incidents, and would insure parents receive all relevant information to assist in managing their child’s behaviors.

The use of standard incident reporting is supported in Virginia Code §22.1-276.2 which requires school divisions to ‘establish requirements for incident reports’ and ‘establish procedures for the written notification to parents of any incident reports and it’s contents’. In addition, LCPS Policy Regulation §8-26 -In-School Disciplinary measures – Removal of Students from Class, requires that “no removal under
this regulation shall occur unless two prior written incident reports have been filed with school administration”, and that notice of the student’s behavior and copies of the incident report be provided to the student and his/her parents.

Reference:
LCPS Policy and Regulation §8-26. In-School Disciplinary Measures
Virginia Code §22.1-276.2. Removal of students from class.

**Recommendation 29:** Identify the critical metrics to be collected and evaluated by all schools in order to ensure the implementation of fair and effective discipline practices and policies and to ensure consistency of data collection and discipline/consequence implementation across schools.

**Disposition:** Approved (Yes - 13  No -0 )

**Presented by:** Group B (Tyler, Jackson, Robinson, Hanger, Green)

**Rationale:** The Task Force Committee has identified multiple investigations that are beyond the scope of the current charge and timeline. It is recommended a professional investigation be conducted to determine the set of useful discipline metrics for a LCPS dashboard that will assist in evaluating the effectiveness of current discipline policies and practices, the fair and equitable use of discipline, and consistency of data collection.

The case study shall include, but may not be limited to, identifying the following:
- What information would be useful on an administration dashboard?
- What equations / algorithms would be used to create the information necessary?
- What data is necessary to feed the algorithms?
- What data is already being collected? What data is unnecessary? What data should be modified?
BEST PRACTICES

By creating a Discipline Task Force Committee, the School Board has demonstrated a desire to evaluate current school discipline policies and examine the most effective ways in which to achieve the balance of appropriate student behavior, high academic achievement, and safe school environments. One of the goals of the Task Force was to review current research and examine practices in other jurisdictions to derive recommendations for ‘best practices’.

School discipline is being discussed and evaluated, and is the subject of reform, in many school jurisdictions across the nation. Currently, most school discipline practices are “reactive and punitive rather than proactive and are lacking in instruction or interventions designed to teach and encourage desirable behaviors”¹. While schools have an unquestionable duty to maintain a safe, productive learning environment, a growing body of literature suggests the use of punitive approaches as the sole or primary response to misconduct often fails to achieve desired results, and may, in fact, result in counterproductive, undesirable and unjust outcomes for the student, school and surrounding community². The use of exclusions from school has been evaluated and criticized by the American Psychological Associations and the America Academy of Pediatrics³, among others, who suggest alternative discipline strategies be incorporated in school plans to limit student time out of class and achieve desired student behaviors.

The Task Force evaluated LCPS student discipline data, policy and practices, as well as relevant literature on school discipline. Several members of the committee brought to the discussion their experience and expertise on alternative discipline methods such as Positive Behavioral Interventions and Supports (PBIS), Restorative Justice, and Collaborative Problem Solving.

Recommendations presented herein reflect recurring themes among Task Force discussions which included the desire to support flexibility and common sense within discipline policies, to incorporate alternative discipline practices, and to reserve punitive and exclusionary methods of discipline for egregious circumstances.


Recommendation 30: Implement graduated discipline policies and practices which provide for consideration of seriousness and chronicity of the violation to ensure that the consequences are matched with the seriousness and circumstances of the offense, and first considers a focus on positive discipline practices, such as rehabilitation, restitution, counseling, and/or debriefing, over the use of suspension and other exclusionary practices.

In determining an appropriate disciplinary consequence all mitigating and aggregating factors should be considered (i.e., the student’s age; previous disciplinary infractions; circumstances; information about the student, etc.).

Disposition: Approved (Yes -10 No -2 Abstain-1)

Presented by: Group D (Cambetes, Lody, Lucas, Tropf, Shipp)

Rationale: This recommendation implicitly supports the use of discretion by administrators when evaluating an incident and determining an appropriate response with a focus first on positive discipline practices. School Board should consider how to implement a graduated disciplinary approach within the discipline policy and how to incorporate positive discipline practices.

Recommendation 31: Modify LCPS discipline policy and procedures to establish and include a varied range of responses to behaviors using methodologies (such as Restorative Practices, Collaborative Problem Solving, etc.) which produce evidence-based results.

The use of punitive exclusions should be reserved as a response to serious infractions that threaten the safety of the school environment, or for students who have not responded to other disciplinary methods.

Disposition: Approved (Yes -7 No -5 Abstain-1)

Presented by: Group D (Cambetes, Lody, Lucas, Tropf, Shipp)

Rationale: According to the National Associate of School Psychologists, effective school discipline strategies teach and reinforce positive behaviors, are equitably applied, safeguards the well-being of all students, keeps students in school and out of the justice system, and incorporates family involvement. An abundance of research has shown that primarily punitive approaches to discipline may temporarily suppress unwanted behavior while increasing negative consequences – such as reduced perceptions of safety, reduced connectedness among students, and reduced school-wide academic performance.
While schools have a responsibility and duty to maintain a safe and productive learning environment, and students who pose a safety threat or demonstrate continued disruptions may warrant removal from school, LCPS discipline data suggests the majority of student exclusions are for violations that are non-violent in nature. In fact, in 2011-2012 more than half of all suspensions were issued for behavior categorized as “disorderly conduct,” “miscellaneous,” or “other”.

In an effort to achieve desired behavior modification and to reduce the negative impacts of school exclusions and lost instructional time, this recommendation supports the formal inclusion of evidence based alternatives, such as Restorative Practices and Collaborative Problem Solving, in School Board Policies. Several state and local school jurisdictions, including Anne Arundel County, in Maryland, Denver, and Philadelphia, are successfully implementing alternative disciplinary strategies in place of punitive approaches for many types of infractions.

Note: Recommendation #30 and #31 were offered in conjunction with one another. #30 reflects the Task Force Committee’s support for the use of discretion, consideration of circumstances and a focus on positive discipline practices. #31 specifically offers support for a modification of school policy to incorporate a range of positive disciplinary responses and a reduced focus on the use of punitive approaches.

Reference:
Appendix A – The State of Discipline in Loudoun County Public Schools – Appendix A
   http://www.nmu.edu/sites/DrupalEducation/files/UserFiles/files/Pre-Drupal/SiteSections/Students/GradPapers/Projects/Brunette_Andrew_MP.pdf, p. 4
Discipline Policies, Successful Schools, and Racial Justice, October 2011.
Rethinking Discipline. Education Weekly.
**Recommendation 32:** Continue the planned implementation of Positive Behavioral Interventions & Supports (PBIS) in all LCPS schools. Continue to monitor the implementation of the framework in each school using formative and summative measures and fidelity checks that assess the quality of the implementation.

**Disposition:** Approved (Yes -13 No -0 )

**Presented by:** Group D (Cambetes, Lody, Lucas, Shipp, Tropf)

**Rationale:** Positive Behavioral Interventions & Supports (PBIS) is a research and evidenced-based practice for creating a common vision of behavioral expectations through consistent language and practices among staff and students. Schools that establish and implement the PBIS framework with integrity offer learning environments that are less reactive, less dangerous and exclusionary, provide supports for student whose behavior requires more specialize assistance, and maximize academic achievement for all students. LCPS is committed to PBIS and is implementing the framework in every LCPS school. The Task Force Committee encourages the School Board and School Administrators to continue their support of the PBIS framework roll-out county wide.

**Reference:**
Positive Behavioral Interventions & Supports.

[http://www.pbis.org/default.aspx](http://www.pbis.org/default.aspx)

LCPS: PBIS.


[http://www.nmu.edu/sites/DrupalEducation/files/UserFiles/Files/Pre-Drupal/SiteSections/Students/GradPapers/Projects/Brunette_Andrew_MP.pdf](http://www.nmu.edu/sites/DrupalEducation/files/UserFiles/Files/Pre-Drupal/SiteSections/Students/GradPapers/Projects/Brunette_Andrew_MP.pdf), page 4


Discipline Policies, Successful Schools, and Racial Justice, October 2011.

Recommendation 33: Continue to provide performance feedback to schools on their implementation of PBIS to guide and inform the School Improvement Plan. School administrator shall evaluate the data and trends and include strategies and goals to improve the implementation of PBIS.

Disposition: Approved (Yes -12 No -1 )

Presented by: Group D (Cambetes, Lody, Lucas, Shipp, Tropf)

Rationale: The PBIS framework is a school wide initiative which should be implemented with integrity. Proper implementation of the framework is essential to the success; therefore, PBIS schools should be monitored, supported, and held accountable. Schools should evaluate implementation strategies and outcome data and utilize the School Improvement Plan to build on successes and address shortcomings.

Recommendation 34: Evaluate high implementation and low implementation PBIS schools to identify key processes and outcomes metrics of effectiveness. Identify common themes among the high implementers to be shared with other schools.

Disposition: Approved (Yes -14 No -0 Abstain-1)

Presented by: Group B (Hanger, Jackson, Robinson, Tyler)

Rationale: PBIS implementation and framework strategies may vary from school to school. Schools that have demonstrated successful implementation of PBIS and are experiencing favorable outcomes should be evaluated to identify what key concepts and practices have worked. This information should then be documented and shared with schools which are not experiencing the same level of successful implementation, and schools that are beginning the implementation process.
**Recommendation 35:** Support a pilot study for Collaborative Problem Solving (CPS) and Restorative Justice (RJ) with certified trainers within LCPS in order to determine if CPS and RJ would be effective adjuncts to PBIS.

**Disposition:** Approved (Yes -13   No -0   Abstain-1)

**Presented by:** Crowley/Lucas

**Rationale:** This recommendation provides support for recommendation #32 and 33 (*Positive Discipline Practices and Range of Responses*), in which the committee proposed inclusion of a range of disciplinary responses to student misbehaviors into policy. Identifying and evaluating effective alternative disciplinary practices may require pilot studies and programs. Committee members well-versed in Collaborative Problem Solving and Restorative Justice offered support for these particular programs.

Collaborative Problem Solving (CPS) is an evidence-based approach for dealing with challenging behavior that has proven highly effective in many schools and other institutions in the U.S. It is particularly useful in dealing with disorderly conduct on the part of students, which is the most prominent reason for suspensions in LCPS. Restorative Justice (RJ) emphasizes values of empathy, respect, honesty, acceptance, responsibility, and accountability. It provides ways to address undesirable behaviors, offers alternatives to suspensions and expulsions, incorporates learning, and improves safety by preventing future incidents.

It was previously recommending that "evidence based" practices be explored as a way of better managing challenging student behavior. LCPS is currently making strides in the exploration of methods which add more “positives”, such as PBIS and Restorative Practices. Teachers and administrators will need to be trained in such practices in order to effectively utilize them. One significant outcome of a pilot study would be training is started with a participating core group within the program.

**Reference:**

Restorative Justice Resources:
- Can Restorative Justice Keeps Schools Safe?
  - [http://greatergood.berkeley.edu/article/item/can_restorative_justice_keep_schools_safe](http://greatergood.berkeley.edu/article/item/can_restorative_justice_keep_schools_safe)
- Implementing Restorative Justice. A guide for schools
- Restorative Justice in Schools
- Think: Kids. Evidence base for Collaborative Problem Solving
  - [http://www.thinkkids.org/learn/research/](http://www.thinkkids.org/learn/research/)
- Think: Kids. The costs and benefits of implementing CPS
**Recommendation 36:** Clearly and regularly articulate to school administrators that context and intent should be considered when an investigation into student misconduct is being conducted and disciplinary outcome is being determined.

**Disposition:** Approved (Yes -11  No -0 Abstain-2)

**Presented by:** Marshall

**Rationale:** Principals need to know they can exercise judgment and discretion as part of the comprehensive and thoughtful process expected of them by the school board, administration team, and the public. The LCPS discipline policy does not currently mention the "presumptions of innocence" although our judicial system in the United States is predicated on that presumption. In addition, although it should be presumed that "intent" would be a consideration given to students, given their age and abbreviated experience, it is not explicitly stated as a consideration in policy and should be communicated.

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**Recommendation 37:** Educational programs on bullying should include information on related Virginia Criminal law violations regarding bullying to inform and make students aware of the potential criminal penalties they may face by misusing social media and other technology tools.

It is further recommended educational programs on bullying and civics lessons on individual rights secured by US and State Constitutions should include instruction on the distinctions between speech which is protected and that which is defamatory.

**Disposition:** Approved (Yes -8  No – 3  Abstain - 1)

**Presented by:** Ross

**Rationale:** The requirement to balance individual rights of students and the need to maintain the mission and order of educating students is necessary when dealing with student misconduct, especially in the context of an offense for bullying. The line between on-campus and off-campus speech is not as clear and technology aides, not only in the “omnipresence” of speech and conduct, but in exponentially multiplying the chain of publication in such a way that at some point speech and conduct will find its way into the school setting for both students and employees. The “nexus” to school then appears to be inevitable if not “forecasting substantial disruption” to the mission etc.

Most anti-bullying periods of instruction and recommended interventions focus on very narrowly targeted behavior and yet fail to address the larger civil and civic issues involved which are properly
within the education goals of public schools. A school administration that fails to educate students on rights and duties foundational and fundamental to our form of government, as they apply to daily life, will unintentionally teach through “discipline” the relentless application of administrative enforcement and “that young people are brow beaten into believing that they have no true rights and government authorities have total power and can violate constitutional rights whenever they see fit.”

Statement of opposition to recommendation (submitted by Crowley): This recommendation is too prescriptive and represents some of the individual focus to proscribe constitutional issues and training outside the more reasonable venue of the classroom.

Reference:
Virginia Code §22.1-70.2. Acceptable Internet use policies for public and private schools.  
http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+22.1-70.2
Virginia Code §22.1-279.6. Board of Education guidelines and model policies for codes of student conduct;  
http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+22.1-279.6
Virginia Code §22.1-208.01. Character education required  
http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+22.1-208.01
http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+18.2-390
Virginia Code §18.2-152.7:1. Harassment by computer; penalty  
http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+18.2-152.7C1
Virginia Code §18.2-152.7. Personal trespass by computer; penalty  
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-152.7
US Constitution, 14th Amendment US Constitution Equal Protection Clause, Substantive Due Process Clause  
Best Practices Recommendations: Not Approved

The following recommendations were not approved by the majority of Discipline Task Force Committee members present at the time of presentation:

**Recommendation 38:** Consider the disciplinary disposition of all students involved in an incident upon completion of a disciplinary appeal in which the outcome was to modify the disciplinary action. At that time, the School Board Discipline Committee may choose to modify the disciplinary disposition of the other students involved who did not formally appeal.

**Disposition:** Deferred – Legal Counsel advised this may be unfeasible to implement due to legal constraints

**Presented by:** Marshall

**Rationale:** The Center for Civil Rights Remedies and Loudoun County Public Schools and others are concerned with the disparate impact of disciplinary exclusions from school. Serious infractions of school board policies often result in recommendations for either long-term suspension or expulsions. The high risk of getting suspended or expelled is not borne equally by all students. Economically disadvantaged students, blacks, Hispanics and students with disabilities are at far greater risk than others, and are less likely to utilize the appeal process than the more affluent or majority students' parents. This recommendation attempts to afford the benefit of appeal to those students whose situation may have precluded them from exercising that right.

**Statement in support of further examination** (submitted by Crowley): Proponents of this recommendation expressed concern that cases are being dealt with by the School Board and often modified "down" for the more affluent, or for those accustomed to advocacy, who chose to exercise their appeal rights. Those decisions have no opportunity to adjust a companion case who either did not have the wherewithal to appeal or whose parents were just unable to proceed with an attorney, etc. Although it carries a "deferred" status, it remains of concern for those at-risk groups.

**Resource:**

Opportunities Suspended: The Disparate Impact of Disciplinary Exclusions from School, August 2012
Discipline Policies, Successful Schools, and Racial Justice,
**Recommendation 39:** Appoint a committee to further research and develop action plans for the implementation of recommendations accepted by the School Board. Group members may be recommended by the Task Force chair, and should include members of the Task Force, school administration and community stakeholders.

**Disposition:** Not Approved  (Yes -5  No -7  Abstain-2)

**Presented by:** Cambetes

**Rationale:** At the request of the School Board a tremendous effort has been put forth by the Discipline Task Force Committee in reviewing data, research, discipline policies, and practices and developing the Report of Recommendations. In order to continue the momentum of the task force, ensure the School Board has background and understanding of the recommendations, and to move the effort forward, the formation of an ‘implementation team’ is recommended.

Upon review and consideration of the recommendations presented, the School Board would establish a team to assist in the further evaluation and optimal implementation of those Recommendations accepted by the School Board. The team should be a manageable size and be comprised of willing participants with a reasonable knowledge of current research, practices, policies and codes.

**Statement of opposition to recommendation** (submitted by Crowley): Some opposed to this recommendation state that its presentation and discussion may have come at a "bad time" for the group. Many were exhausted by the effort and suggested DTF had done all it reasonably could. It was opined the School Board establishes policy and the role of LCPS professional staff is to implement the same.

**Statement in support of recommendation** (submitted by Cambetes): The request for an extension of time was discussed to the group. Several on the committee expressed fatigue with the process and suggested that "our work is done". This recommendation would provide support to the School Board in moving the true effort of discipline reform – implementation – forward.
Summary

The Task Force worked diligently for 6 months. Perhaps the most important observation is that additional work remains. The schedule and staffing of the Task Force were enough to identify some solid recommendation for change and areas that should be further investigated and evaluated, such as: the disproportional representations of minority and special education subgroups of students in the suspension data, the majority of student suspensions which are for non-violent and non-threatening offenses, and the need to identify critical metrics necessary to ensure fair and effective discipline practices and policies. Therefore, the further Task Force suggests that additional effort be expended by LCPS to further investigate feasibility and implementation of recommendations and evaluation of those areas that the Task Force was unable to, due to schedule and staff constraints.
Appendix A – The State of Discipline in Loudoun County Public Schools: A report of discipline data

<Loudoun County Public Schools
Discipline Task Force
The State of Discipline in
Loudoun County Public Schools
June 2013>

<Double-click the object to view the report>
## Appendix C – Vote Matrix Table

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendation</th>
<th>Vote</th>
<th>Approve</th>
<th>Oppose</th>
<th>Abstain</th>
<th>Absent</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Conduct a review discipline policies with a focus on the goals defined in the Discipline Task Force charge, including but not limited to policies not reviewed by the task force committee (5-21, 8-2, 8-27, 8-28, 8-29, 8-40, and appeals)</td>
<td>9-4-1</td>
<td>Cambetes Marshall Ross Robinson Tropf</td>
<td>Hanger Castro- Green Lody Tyler</td>
<td>Crowley Jackson Spage Wilson</td>
<td>Hvozdovic Gonzalez-Sales Lovelace Lucas Shipp Sommers</td>
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<tr>
<td>2</td>
<td>Revise Policy 8-27(B) - Grounds for Removal from School, to provide definition and clarity of conduct listed which may constitute cause for removal from school</td>
<td>12-1-0</td>
<td>Cambetes Castro- Green Crowley Gonzalez- Sales Jackson Lody</td>
<td>Marshall Ross Spage Tropf Tyler Wilson</td>
<td>Hanger</td>
<td>Hvozdovic Lovelace Lucas Robinson Shipp Sommers</td>
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<td>3</td>
<td>Revise Policies and Regs §8-35, §8-36 and §8-37 to remove the predetermined consequences. Investigate and implement disciplinary responses that allow for consideration of circumstances, and which produce the desired behavior modification outcomes</td>
<td>9-4-1</td>
<td>Cambetes Hanger Hvozdovic Lody Lucas Marshall Robinson Ross Tropf</td>
<td>Crowley Gonzalez- Sales Jackson Wilson</td>
<td>Spage</td>
<td>Castro- Green Lovelace Shipp Sommers Tyler</td>
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<td>4</td>
<td>Modify Policy §8-32 - Weapons, to include language which informs principals that circumstances may be considered and discretion may be exercised when determining disciplinary outcomes for violations of the weapons policy</td>
<td>12-0-1</td>
<td>Cambetes Crowley Hanger Hvozdovic Lody Jackson</td>
<td>Marshall Robinson Ross Spage Tropf Tyler</td>
<td>Wilson</td>
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<td>5</td>
<td>Modify Policy §5-55 - Disciplinary Procedures for Students with Disabilities, to include a general statement guiding administrators to consider unique circumstances of the incident and the student’s disability when the student violates policy or code of conduct</td>
<td>10-1-3</td>
<td>Cambetes Crowley Hvozdovic Lody Lucas Marshall Robinson Ross Tropf Wilson</td>
<td>Hanger Crowley Jackson Spage</td>
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<td>6</td>
<td>Revise Policy 8-26-In-School Disciplinary Measures, to provide defined procedures, documentation and notification requirements for each disciplinary measure listed</td>
<td>11-1-0</td>
<td>Cambetes Castro- Green Hanger Hvozdovic Lody Marshall Robinson Ross Tropf Tyler Wilson</td>
<td>Crowley</td>
<td>Gonzalez-Sales Jackson Spage</td>
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<tr>
<td>7</td>
<td>Modify Policy §8-26(f) - In-School Disciplinary Measures, to include a notice to parents when a student is assigned In-School Restriction.</td>
<td>11-0-1</td>
<td>Cambetes Robinson Castro- Ross Green Tropf Crowley Tyler Hanger Wilson Hvоздович Marshall</td>
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<td>8</td>
<td>Modify the discipline policy to include a provision for Self-Defense</td>
<td>9-3-1</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Hvоздович Marshall Tropf Hanger Wilson</td>
<td>Lody Robinson Spage</td>
<td>Tyler</td>
<td>Crowley Gonzalez-Sales Lovelace Shipp Sommers Wilson</td>
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<td>9</td>
<td>Modify (SR&amp;R) Handbook to include information on Self Defense criteria within the section on 'Fighting'</td>
<td>6-5-2</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Hvоздович Marshall Tropf Hanger Wilson</td>
<td>Lody Robinson Spage</td>
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<td>10</td>
<td>Provide notice to parents of students accused of &quot;bullying&quot; to include the specific conduct and facts of the child's behavior alleged to constitute bullying</td>
<td>6-4-2</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Hvоздович Marshall Tropf Hanger Wilson</td>
<td>Lody Robinson Spage</td>
<td>Tyler</td>
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<td>11</td>
<td>Recommend that the School Board suggest a legislative action be taken which would prohibit student statements obtained without consent of parent or guardian from being used as evidence against the student</td>
<td>7-6-1</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Hvоздович Marshall Tropf Hanger Wilson</td>
<td>Lody Robinson Spage</td>
<td>Tyler</td>
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<td>12</td>
<td>Modify the discipline policy to Include a provision on Parental Notification: 1) when the student is suspected of violating policy which may result in the student's suspension, expulsion, or the notification of law enforcement, and 2) when school administrators begin an investigation* into the suspected violation. (exception for exigent circumstances)</td>
<td>4-8-2</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Hvоздович Marshall Tropf Hanger Wilson</td>
<td>Lody Robinson Spage</td>
<td>Marshall Tyler</td>
<td>Gonzalez-Sales Lovelace Lucas Jackson Shipp Sommers Spage</td>
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<tr>
<td>13</td>
<td>Modify the discipline policy to Include a provision on written and signed statements: Students suspected of a violation of school policy, that is a serious violation, or that may result</td>
<td>5-7-2</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Hvоздович Marshall Tropf Tyler</td>
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<td>in the student’s suspension or expulsion shall not be required to write or sign a written statement before a reasonable effort has been made to contact the student’s parents or guardian and the parent or guardian has given consent. (exception for exigent circumstance)</td>
<td></td>
<td>Cambetes Hvozdovic Ross</td>
<td>Castro-Green Lody Robinson Tropf Wilson</td>
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<tr>
<td>14</td>
<td>Modify Policy § 8-32 - Weapons Safe Harbor clause to provide discretion to school administrators by removing specific language regarding discovery of a weapon.</td>
<td>3-6-3</td>
<td>Cambetes Hvozdovic Ross</td>
<td>Castro-Green Lody Robinson Tropf Wilson</td>
<td>Gonzalez-Sales Jackson Lovelace Lucas Shipp Sommers</td>
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<td>15</td>
<td>Revise Policy 8-1 - Extent of School Authority to remove language regarding jurisdiction which is arbitrary</td>
<td>2-6-4</td>
<td>Cambetes Ross</td>
<td>Castro-Green Lody Hvozdovic Robinson Tyler Wilson</td>
<td>Gonzalez-Sales Jackson Lovelace Lucas Shipp Sommers</td>
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<tr>
<td>16</td>
<td>Modify Policy 8-1 – Extent of Authority to consolidate and include 3 sections: general authority statement, parent notice, and list of offenses</td>
<td>4-7-3</td>
<td>Cambetes Lucas Ross Tropf</td>
<td>Marshall Hanger Lody Robinson Spage Wilson</td>
<td>Marshall Hanger Hvozdovic</td>
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<tr>
<td>17</td>
<td>Revise Policy 8-1 – Extent of Authority to provide plain &amp; clear notice to parents, students and administrators of the scope and limits of authority</td>
<td>6-8-0</td>
<td>Cambetes Lucas Robinson Ross Tropf Wilson</td>
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<td>18</td>
<td>Include a Discipline Philosophy Statement in the School Board discipline policy</td>
<td>14-0-0</td>
<td>Cambetes Castro-Green Crowley Hanger Hvozdovic Jackson Lody</td>
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<td>19</td>
<td>Appoint a Discipline Liaison as a neutral point of contact and resource for parents and students</td>
<td>13-0-1</td>
<td>Cambetes Castro-Green Crowley Hanger Hvozdovic Jackson Lody</td>
<td>Marshall 23 Robinson Ross Spage Tropf Tyler Wilson</td>
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<td>20</td>
<td>Restructure the Discipline Policy to present in a more logical and user friendly format</td>
<td>11-3-0</td>
<td>Cambetes Crowley Gonzalez-Sales Hvozdovic Jackson Lucas Marshall Robinson Ross Tropf Wilson</td>
<td>Hanger Lody Spage</td>
<td>Castro-Green Lovelace Shipp Sommers Tyler</td>
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<td>21</td>
<td>Display school specific expectation/rules in student agenda and on school website</td>
<td>14-0-0</td>
<td>Cambetes Crowley Gonzalez-Sales Hanger Hvozdovic Jackson Lody Lucas</td>
<td>Marshall Robinson Ross Spage Tropf Tyler</td>
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<td>Castro-Green Lovelace Shipp Sommers Tyler</td>
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<td>25</td>
<td>Appoint a school based resource to support students and parents in understanding disciplinary requirements, educational supports and appeal rights</td>
<td>6-6-1</td>
<td>Cambetes Castro-Green Crowley Marshall Tropf Wilson Gonzalez-Sales Hanger Lody Ross Spage</td>
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<td>Tyler</td>
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<td>26</td>
<td>Establish a special committee focused on the evaluation and elimination of disparities in school discipline</td>
<td>9-2-0</td>
<td>Cambetes Castro-Green Gonzalez-Sales Hanger Jackson Lody Ross Tropf Tyler</td>
<td>Marshall Wilson</td>
<td>Crowley Hvozdovic Lovelace Lucas Robinson Shipp Sommers Spage</td>
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<td>27</td>
<td>Provide individual school based report and analysis of disaggregate discipline data. Include in formal SIP strategies to reduce the over-representations of minority and disabled students among students who are exclusionary discipline</td>
<td>13-0-0</td>
<td>Cambetes Castro-Green Crowley Gonzalez-Sales Hanger Jackson Lody Marshall Ross Spage Tropf Tyler Wilson</td>
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<td>28</td>
<td>Develop a Standardized Incident Report form to be utilized by all LCPS schools for documenting incidents of student misconduct resulting in removal of a student from class</td>
<td>12-0-0</td>
<td>Cambetes Castro-Green Crowley Hanger Hvozdovic Lody</td>
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<td>Gonzalez-Sales Jackson Lovelace Lucas Shipp Sommers Spage</td>
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<td>29</td>
<td>Identify the critical metrics that are needed in order to ensure the implementation of fair and effective and to ensure consistency of data collection and discipline implementation across schools</td>
<td>13-0-0</td>
<td>Cambetes Castro-Green Hanger Hvozdovic Lody Lucas</td>
<td>Marshall Robinson Ross Spage Tropf Tyler</td>
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<td>30</td>
<td>Implement graduated discipline policies and practices which provide for consideration of seriousness and chronicity, mitigating and aggregating factors, and a focus on positive discipline practices</td>
<td>10-2-1</td>
<td>Cambetes Castro-Green Hanger Hvozdovic Lody Lucas</td>
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<td>31</td>
<td>Establish and include in the discipline policy and practices a range of disciplinary responses which produce desired behavior modification results; reserve the use punitive exclusions for infractions that threaten safety or for chronic offenders</td>
<td>7-5-1</td>
<td>Cambetes Castro-Green Lucas Marshall Robinson Ross Tropf</td>
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<td>32</td>
<td>Continue the implementation of PBIS in all schools</td>
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<td>Marshall Robinson Ross Spage Tropf Tyler</td>
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<td>33</td>
<td>Continue to provide feedback to schools on their implementation of PBIS to inform the SIP.</td>
<td>12-1-0</td>
<td>Cambetes Castro-Green Hvozdovic Jackson Lody Lucas</td>
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<td>34</td>
<td>Identify key processes and outcome metrics of effectiveness for PBIS, and share common themes among schools</td>
<td>14-0-1</td>
<td>Cambetes Castro-Green Crowley Gonzalez-Sales</td>
<td>Lucas Marshall Robinson Ross Spage Tropf</td>
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<td>Wilson Lovelace Jackson Shipp Sommers</td>
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<td>35</td>
<td>Support a pilot study of alternative discipline practices (RJ, CPS)</td>
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<td>36</td>
<td>Communicate to administrators that context and intent should be considered during investigations and when determining discipline</td>
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<td>37</td>
<td>Educational Programs on Bullying to include information on individual rights and potential criminal penalties</td>
<td>8-3-1</td>
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<td>38</td>
<td>Upon reaching a decision on appeal in which the disciplinary outcome was modified, consider the disciplinary disposition of all other students involved</td>
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<td>39</td>
<td>Appoint a committee to develop plan of action for implementation of accepted task force recommendations</td>
<td>5-7-2</td>
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