

Reducing Disproportionality in Suspensions and Reassignments of Students with Disabilities

WHEREAS, in 2005, the Executive Board of the Fairfax County Council of PTAs (FCCPTA) approved a resolution requesting the Fairfax County School Board take action to review and reduce the disproportionate suspensions and expulsions of students with disabilities; and

WHEREAS, data from the 2009-2010 FCPS Hearing Office Report demonstrates a clear and significant increase in the disproportionality of suspensions and reassignments of students with disabilities; and

WHEREAS, while schoolwide positive behavior interventions and supports (PBIS) programs have greatly reduced the number of suspensions and reassignments of general education students, existing PBIS programs have not prevented an increase in the percentage of students with disabilities represented in these cases; and

WHEREAS, the *Procedures Required for the Implementation of Special Education Regulations in Virginia's Public Schools*, recently approved by the Fairfax County School Board, commits FCPS to take corrective measures in response to evidence of disproportionality in long-term suspensions of students with disabilities; and

WHEREAS, the number of favorable *Manifestation Determination Reviews* (MDRs)—in which a student's behavior has been found to be related to his/her disability and afford certain protections under the Individuals with Disabilities Act (IDEA)—has decreased; and

WHEREAS, Regulation 2610.24P, known as the SR&R, does not specifically define the required functions of a *Manifestation Determination Review* as mandated by IDEA 2004 and Virginia's special education regulations; now, therefore, be it

RESOLVED, the FCCPTA Executive Board requests the Fairfax County School Board amend, as needed, its policies, procedures, and practices—including annual targets within Operational Expectations—related to the development and implementation of (1) Individual Education Programs (IEPs), (2) positive behavioral interventions and supports (PBIS), and (3) procedural safeguards to ensure that the percentage of students with disabilities are not disproportionately represented in the discipline process (*i.e., students with disabilities who are recommended for suspension, reassignment or expulsion should not exceed the percentage of students with disabilities in the overall student population*); and be it further

RESOLVED, the FCCPTA Executive Board requests the Fairfax County School Board modify Regulation 2610.24P, known as the SR&R, to specifically define the mandated functions of a *Manifestation Determination Review* to "determine the conduct to be a manifestation of the child's disability (1) if the conduct in question was *caused by*, or had a direct and *substantial relationship to*, the child's disability, or (2) if the conduct in question was the *direct result of the local education agency's failure to implement the child's IEP*"; and be it further

RESOLVED, the FCCPTA Executive Board requests the Fairfax County School Board direct FCPS to annually collect and centrally maintain data on the number and outcomes of all *Manifestation Determination Reviews*.

FCCPTA Executive Board Disposition:

Adopted _____

Adopted with Amendments X

Not Adopted _____

Date May 9, 2011