



FairfaxZeroToleranceReform.org
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Fairfax County School Board
Gatehouse Administration Center I
8115 Gatehouse Road, Suite 5400
Falls Church, VA 22042

Dear Members of the FCPS School Board and Superintendent Dale:

As we have noted in a recent press release and *Washington Post* opinion piece published April 3, 2011, FairfaxZeroToleranceReform.org applauds the proposals made March 30 by Fairfax County Public Schools (FCPS) Superintendent Jack Dale as a start to improving the system's disciplinary practices, but we noted that serious issues remain unaddressed.

At the March 14 school board work session, the board directed Dr. Dale to record the numerous areas identified for review and told him that it was the board's responsibility, not his, to do an in-depth review and prioritize issues. We assume that the proposal he revealed on March 30 will be considered in light of this board responsibility.

We have attached a white paper demonstrating issues and solutions related to special needs students and to recording hearings. White papers on other recommendations are in review stage by our experts and legal team and will be forwarded on completion. We also will provide you with information on work being conducted by a new coalition formed by Del. Kaye Kory on changes to the state code and statewide practices.

At the April 4 review of discipline, we believe the school board has an obligation to address the following concerns:

- 1. Children deserve a right to counsel and an impartial hearing.** There is no point where rules of evidence apply and a child accused of a violation can be found innocent – FCPS reported 69,430 violations in 2009 and none was documented as “not guilty.” Over the last six years, of 5,025 cases sent to the Hearings Office, not one child was exonerated.
- 2. Except in cases of immediate physical danger to staff or students, parents/guardians must be notified immediately before a child is questioned** by an administrator or school resource officer for conduct likely to result in a suspension or expulsion; and **students must be prevented from signing any written statements** except in the presence of a parent or guardian.
- 3. There is no evidence that involuntary school transfers work**, and this deleterious practice must stop. Children currently under disciplinary action who would not have been transferred under these new policies must be immediately offered the opportunity to return to their original base school and any prohibitions on being on FCPS property must be rescinded.
- 4. Suspensions must be dramatically reduced** from the average of some 7,000 students a year. Studies show that suspensions do not make schools safer and do not “teach kids lessons.” In fact, copious research shows that suspension and expulsion are directly linked with school dropouts, and can make schools less safe. The cumulative costs to society of 1,000 students not graduating is \$209M.
- 5. Data show that a wildly disproportionate number of minority and disabled children get suspended**, and that the hearings process almost never finds a link between children with disabilities and their behavior, which would require FCPS to provide educational and other services. FCPS must address the disproportionality in the number of students with disabilities suspended and reassigned and increase the number of *Manifestation Determination Reviews* in which a student's behavior is found to be related to the disability.
- 6. The emotional and mental health of students must be centrally considered.** Too many educators ignore critical facts: 1) the brain's pre-frontal cortex, responsible for mature judgment, does not fully develop

until the early 20's; and 2) parents, schools, and peers are fundamental educational, social, and emotional supports that prevent our youth from succumbing to depression, suicide, and academic failure. More than 25% of FCPS youth report clinical signs of depression, 14% report suicide ideation, and more than 75% report sleep deprivation. Schools have a moral responsibility to stop practices that contribute to this.

We urge the school board to require that implementation of Dr. Dale's recommendations also include:

1. That disciplinary hearings not only be audio-recorded, but be provided **free of charge to parents and guardians immediately upon conclusion of the hearing.**
2. That principals be given discretion to use **options other than long-term suspension or expulsion for ALL infractions** – not just for prescription drugs – and that practices be monitored to ensure any discipline is appropriate to the infraction and does not cause harm.
3. That much-needed staff training is conducted not just to make practices consistent, but also to make sure **good judgment is used case-by-case** when determining whether there is a violation at all, and how to address it if there is.
4. That data collection track academic success, recidivism, and on-time graduation, as proposed, but also that FCPS track in **more detail the severity of infractions, demographics of children involved, and effectiveness of programs aimed at reducing suspensions.**
5. That hearings timelines are not only shortened, but that the number of **children involved in hearings is drastically reduced**, that the hearings themselves are **impartial and humane**, and **credit for time already lost** from school be applied to any discipline imposed.
6. That substantive instructional **support is provided for the entire duration a child is out of school for ANY disciplinary reason**, and that appropriate support is provided in the transition back to school.

We support Dr. Dale's proposal to educate parents about the discipline process and obtain their opinions in an exit survey.

We also applaud continued implementation of Positive Behavior Interventions and Support Programs. But PBIS programs in our local schools are largely determined by the administration and staff at the schools and are inconsistently and incompletely applied. **The board should require all schools to use clearly researched best practices regarding BPIS and implement those programs with fidelity.** It should adopt a comprehensive program that can be easily replicated, consistently implemented, and monitored with consistency.

FCPS also must consider collaborating more closely with the county to provide greater access to and more substantive wraparound preventive, academic, suspension support, rehabilitative, and restorative services to families engaged in the disciplinary process.

We strongly believe in practices that ensure safe and secure schools and that keep such things as drugs, violence, and weapons out of them. We do not oppose appropriate discipline. But zero tolerance measures like those practiced in FCPS do not get us there. Every proposal we support has been proven to enhance safety and security and to uphold children's rights at the same time.

FCPS staff must not use a tight budget as an excuse not to proceed on these. The cost is very high of providing services to suspended children, or of remediating them when they return. If involuntary school transfers stop, FCPS saves nearly \$1M/yr. If the hearings office is cut in half from its 14 staff, it saves \$800K/yr in salaries and benefits. The county saves \$209K per child that doesn't drop out. Without changes, businesses may opt for counties that are more child-friendly. Goodwill is priceless.

It is incumbent upon the school board to tackle all remaining issues, then ensure that these policy changes are put into action immediately and monitored for effectiveness.

Sincerely,

Caroline Hemenway, Director and Co-Founder (Also signing for Janet Otersen, Co-Founder)

Attachments: 2 White Papers – On Special Needs Students and on Recording Hearings