



Changes now in effect for FCPS discipline policy...more needs to be done.

US Supreme Court affirms children's rights must be protected before questioning

FZTR leaders issue first in series of endorsements in Fairfax school board races

Fairfax Zero Tolerance Reform (FZTR)

UPDATE on reform

Decision 2011

School Board Elections are Key to Needed Reform

On August 15, Fairfax Zero Tolerance Reform leaders issued the first two in a series of candidate endorsements for the Springfield & Dranesville Districts.

FZTR leaders are conducting Q & A style sessions with candidates vying for school board seats to get their views on a number of the organization's priorities--addressing the disproportionate numbers of students with disabilities caught up in the FCPS discipline process; requiring school personnel to contact parents prior to questioning children; disparities among high school suspension rates; due process issues related to hearings; and the role of the School Board in supporting a culture of respect and restorative justice while maintaining school safety. Leaders also examine public records for statements, actions, and votes (in the case of the incumbents) for clues to how the candidate might vote as a school board member.

In Dranesville, FZTR leadership endorses Louise Epstein. She recognizes the pivotal role played by the school board in setting policy and ensuring that regulations implementing that policy, which are written by staff, do so effectively and with the approval of the board. She supports an independent evaluation of the hearings office and discipline outcomes to determine if the process is effectively using limited resources and offered specific plans for engaging parents in the policy development process. FZTR leaders also could not ignore incumbent Jane Strauss' recent vote against parent notification nor her 18-year record on zero-tolerance issues.



FZTR's endorsement in Springfield belongs to Elizabeth Schultz. With no incumbent in this race, the decision came down to the candidates' stated positions as well as efforts made to impact reform. In addition to expressing support for a discipline process that is restorative, educational and therapeutic, Mrs. Schultz got the nod because of her personal activism. Both candidates interviewed want to see more parental engagement in the process, but Mrs. Schultz's actions point to a candidate willing to take a leadership role in making reform a reality.

***Discipline Reform Starts with a Reform-Minded School Board
Vote November 8, 2011***

Tell Us Your Discipline Story

Personal, first-hand accounts are critical to reform progress.

As we all know, it can sometimes take a tragedy or moving personal story to get the public at large interested in an issue. Here in Fairfax that type of awareness focused attention on FCPS discipline practices with news of two student suicides and a young girl who was out of school for months after being "caught" with her own prescription medication at school.

FZTR leaders have been told so many of these types of stories second-hand. We know there are more to tell and we need your help to tell them.

If your family, or someone you know, has been through an FCPS discipline proceeding--with or without filing an appeal--or have personal knowledge of civil rights violations in our schools, we'd like to hear from you. Names can be withheld at your request.

Get in touch by sending a message to: stories@fairfaxzerotolerancereform.org

fairfaxzerotolerancereform.org
Visit our website to get
the latest news,
find resources,
join the effort
& follow the
progress
online

Study of Discipline Impacts

**Are discipline policies
strengthening the pipeline from
school suspensions (or
expulsions) to prisons?**

*The Council of State Governments
Justice Center, in partnership with the
Public Policy Research Institute at
Texas A&M University, released an
unprecedented statewide study July
19 of nearly 1 million Texas public
secondary school students, followed
for at least six years: [Breaking
Schools' Rules: A Statewide Study on
How School Discipline Relates to
Students' Success and Juvenile
Justice Involvement](#).*

*Among its startling findings, according
to CSG, "are that the majority of
students were suspended or expelled
between seventh to twelfth grade.
Funded by the Atlantic Philanthropies
and the Open Society Foundations,
this study also found that when
students are suspended or expelled,
the likelihood that they will repeat a
grade, not graduate, and/or become
involved in the juvenile justice system
increases significantly." See the
Washington Post article by Donna St.
George: [Study shows wide varieties
in discipline methods among very
similar schools](#).*

See the
Advancement Project's
model discipline program:
www.stopschoolstojails.org
Click on Resources

Some Progress...

The Fairfax School Board Voted YES on five significant changes to the SR&R and NO on Parent Notification during their meeting on June 9, 2011.

Jim Raney, Liz Bradsher, Tessie Wilson, Brad Center, Stu Gibson, Kathy Smith, and Janie Strauss decided not to trust parents as partners in educating their own children, voting and defeating efforts to implement parent notification requirements. Smith, Strauss, (and possibly Bradsher) are seeking re-election. All these people have sided with principals to deny parents the right to be notified before their children are interrogated by school administrators or police officers for infractions that could lead to more than a three-day suspension or recommendation for expulsion. Here are the victories parents got:

Student transfers: The board voted unanimously to require the hearings office to consider other disciplinary options before transferring children from school to school, including using such options as community service and in-school suspension. There is no moratorium, and it is now up to advocates and school board members to make sure transfers become a last resort and only where absolutely necessary.

Recording hearings: The board voted unanimously to allow Superintendent hearings to be recorded by audio for parents/guardians to review (not to actually have), and to allow parents/guardians to have a written transcription if they paid for all transcription services -- which would cost more than \$400 each, and even thousands, a decision they'd have to make as soon as the hearing was scheduled. While this is a move in the right direction, the financial obstacle is outside of many families' means.

Support on suspension: New provision reads: "When a student is subject to out-of-school suspension, the school system shall, if feasible, provide academic support and other services necessary for the student to maintain academic progress." For the first time, students have a right to academic support on suspension. Data must be gathered to demonstrate what the benefits are so this can be expanded. We must be vigilant to ensure "if feasible" is used with fidelity.

Manifestation review: Language related to students with disabilities is now in line with state and federal code and should make it easier to link IEPs and 504s with behavior issues so these kids can get the educational services they deserve. Again: Vigilance required.

SR&R name change: The title is now Student RIGHTS and Responsibilities. This seems symbolic, but it is not. It means FCPS is now firmly responsible for making rights a priority in the lives of our students and families. They will have to be keenly monitored to make sure they put their words into action.

Justices Rule for Children

On June 16, the Supreme Court ruled in support of children's Miranda rights in the case of JDB v No. Carolina.

In a major decision likely to have implications in any school district that employs police in its schools, as FCPS does, the US Supreme Court held that age (and the likelihood of children being coerced into confessions) must be taken into account in determining whether a child is "in custody" for purposes of giving them Miranda warnings prior to being questioned. The 5-4 majority opinion in JDB v. North Carolina was strongly argued by Justice Sonia Sotomayor. To see the full docket, with coverage and briefs, go to www.scotusblog.com. The



[opinion analysis](#) is very good, as are the citations in the Amici brief filed by the Juvenile Law Center.

The next question: What will FCPS do with a high court decision that clearly implies children should be read their rights under questioning?