



# FCPS Discipline Process Reform

[www.FairfaxZeroToleranceReform.org](http://www.FairfaxZeroToleranceReform.org)

## Factsheet

### Why We Need An Overhaul

We are seeking immediate and long-term change to the Fairfax County Public School (FCPS) disciplinary process because we believe that a blind application of “zero-tolerance” policies harms students, and violates educational doctrine and due process of law.

**In 2011, dozens of families of every demographic have reported:**

- Blatant violations of due process, and presumption of guilt
- Lengthy interrogation of children without parent notification
- Harassment and haranguing by school officials, police (school resource officers), and hearings officers
- Discouraging the right to counsel and to appeal
- Punishment far out of proportion to infractions
- Unjustified involuntary school transfers
- Withholding of required educational services
- Students falling far behind or dropping out after suspensions
- Severe impacts on mental and emotional health

**In the six years from 2004-2010, the FCPS Hearings Office heard 5,024 cases that resulted in long-term suspensions or expulsions – not one was overturned.<sup>1</sup>**

- In 2008-2009\*, FCPS reported 10,568 incidents of discipline, crime, and violence to the Virginia Department of Education. A large percentage was subjective, such as for “minor insubordination” or “defiance.”<sup>2</sup>
- “Short-term suspensions” too often exceed 10 days.
- Schools with large minority populations have a disproportionate suspension rate.<sup>3</sup>

**The FCPS school board and staff have repeatedly ignored data, research, and best practices** in updating and implementing discipline policies. They have ignored and dismissed community advocates with expertise and groups promoting reform.

They can reverse this trend by supporting the Board of Supervisors’ request for a collaborative approach, and by working in full partnership with advocates and local and national experts. Student discipline issues – and solutions – cross jurisdictional lines.

We have identified immediate necessary actions to take (next page).

### Mission

To transform the Fairfax County Public School discipline system from a criminal and punitive approach to a restorative, educational, and therapeutic process by working with affected families, FCPS, county staff, civil rights and child development specialists, and legal representatives.

FCPS discipline processes must:

- Foster safe schools
- Be reasonable and humane
- Protect every child's Constitutional, human, and educational rights
- Protect due process
- Provide continuity of education
- Be appropriate to the infraction, to the child's individual situation, and to his/her developmental stage
- Be transparent, consistent, and monitored

### Zero tolerance is defined as:

“The policy or practice of automatic imposition of severe penalties for the first offence.” Or “The absence of leniency or exception in the enforcement of a law, rule, or regulation”

– **Continued Next Page: Priorities for Reform** –

\* Latest data year available

<sup>1</sup> FCPS Hearings Office Annual Reports, 2004 through 2010

<sup>2</sup> Virginia Annual Report on Discipline, Crime, and Violence, 2008-2009

<sup>3</sup> Fairfax Partnership for Youth, Demographic Profiles, 2009-10 stats

## Priorities for Reform

We propose a community-based approach to address priorities for reform in the long term, focused on the following:

- **Foster the safety of schools**, students, teachers, and other staff by focusing on root causes and prevention of disciplinary issues.
- **Meaningfully engage the community**, affected families (including students), teachers, psychologists and social workers, advocates, and experts, in full partnership with established county services in a holistic reform effort.
- **Eliminate suspension, expulsion, and involuntary transfers as the cornerstones of disciplinary actions** and limit law enforcement referrals to cases of imminent threats to personal safety. Establish alternatives that focus on prevention and logical consequences proportionate to the danger posed by a child's action, that are developmentally and educationally appropriate, and that support restorative outcomes and continued education.
- **Establish reforms that reflect evidence-based research, data, best practices**, and a culture of fair play and good intentions aimed at supporting the success and wellness of each and every student/child and his/her family.
- **Ensure that civil rights of students are protected**, including 1st, 4th, 5th, and 14th Amendment rights.
- **Reduce inconsistencies and eliminate any discrimination** in disciplinary practices among schools, and establish equal protection under the law. Revise and create consistent school system policies and procedures that address each individual student's specific circumstances to ensure due process.

## Immediate Action Sought

We request a major overhaul of the district's discipline policies, but immediate necessary first steps include the following:

- 1. Stop school transfers:** Stop all involuntary school transfers of students except when there is an imminent danger to the student body or school personnel.
- 2. Record hearings:** Electronically record all interrogations and hearings and provide them at no charge to parents/guardians.
- 3. Respect due process rights and involve parents:** Parents/guardians must be notified immediately when a child is accused of conduct that could result in a suspension or expulsion, or is removed from the classroom or school for disciplinary reasons, or when an action will affect the child's permanent academic record. Children who are questioned must be told they have a right to remain silent and to contact their parent/guardian.
- 4. Provide education continuity:** Provide appropriate educational services to all students throughout the entire discipline process. Provide accommodation and extracurricular activities at alternative schools for LD and IEP students.
- 5. Consider mitigating circumstances:** Require principals, hearing officers, and any other officials involved in a disciplinary action to apply "special circumstances" in determining a disciplinary outcome, pursuant to Virginia Code § 22.1-277.06, § 22.1-277.07, and § 22.1-277.08.
- 6. Respond to all FOIA requests completely and within the time required by law.** Track all data related to discipline processes and policies and provide it to school board members on request.
- 7. Employ an objective process:** Replace the current Hearings Office with an objective mediation process that is managed by a third party outside the school and county system.
- 8. Make principals accountable:** Require that principals be responsible and accountable for reductions in suspension and expulsion rates at their schools.

**The Virginia legislature and Department of Education also must review and revise the Virginia Code and state guidelines.**

## How You Can Help

- Visit our website: [www.FairfaxZeroToleranceReform.org](http://www.FairfaxZeroToleranceReform.org); email us and join one of our committees.
- Sign our petition: <http://www.ipetitions.com/petition/FairfaxZTRReform>
- Write your School Board members: <http://www.fcps.edu/schlbld/members.htm>
- Write your Board of Supervisors: <http://www.fairfaxcounty.gov/government/board/virgniia>
- Write your state legislator: [http://legis.virginia.gov/1\\_cit\\_guide/contacting\\_my.html](http://legis.virginia.gov/1_cit_guide/contacting_my.html)
- Write the Superintendent of Schools: <mailto:Jack.Dale@fcps.edu>
- Visit us on FaceBook: [Fairfax Zero Tolerance Reform](#)