



# White Paper 9

FairfaxZeroToleranceReform.org

**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 families, FCPS, county staff, civil rights and child development specialists, and legal representatives.

## Topic: Disproportionality of Students with Disabilities

Date: April 4, 2011

<p><b>Desired Outcome</b></p> <p>Reduce disproportionality in the number of students with disabilities suspended and reassigned and increase the number of <i>Manifestation Determination Reviews</i> in which a student’s behavior is found to be related to the disability.</p>
<p><b>Problem</b></p> <p>Students with disabilities are disproportionately impacted by current FCPS discipline policies, practices and procedures as the result of inappropriate responses to behavioral issues.</p>
<p><b>Evidence in FCPS</b></p> <ul style="list-style-type: none"> <li>• Almost 44% of FCPS suspensions and assignments consisted of students with disabilities in 2009-2010, an increase from the 34% identified in 2003-2004, while those students make up 14.5% (1/7<sup>th</sup>) of the student population.</li> <li>• Only 79 out of 367 of <i>Manifestation Determine Reviews</i> conducted by FCPS in 2003-2004 found the student’s offense to have been caused by the child’s disability.</li> <li>• FCPS has an eclectic approach to Positive Behavior Intervention and Supports (PBIS) programs that benefit all students, especially those with disabilities. But PBIS programs in our schools are largely determined by local administration and staff and then are inconsistently and incompletely implemented.</li> </ul>
<p><b>Solutions</b></p> <ul style="list-style-type: none"> <li>• Review FCPS discipline policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards – especially <i>Manifestation Determination Reviews</i> – to ensure that students with disabilities are not inappropriately long-term suspended or expelled.</li> <li>• Take corrective measures regarding the long-term suspensions and expulsions of students with disabilities based on the above-targeted areas of review.</li> <li>• Require all schools to use clearly researched best practices regarding PBIS and implement those programs with fidelity. Adopt a comprehensive program that can be easily replicated, consistently implemented, and monitored with consistency.</li> </ul>
<p><b>Research</b></p> <ul style="list-style-type: none"> <li>• The <i>Individuals with Disabilities Education Act (IDEA)</i> requires certain actions of local education agencies (LEAs) identified as having significant disproportionality based on race and ethnicity, including the incidence, duration, and type of disciplinary actions taken against children with disabilities, such as suspensions and expulsions.</li> <li>• Virginia’s <i>Regulations Governing Special Education Programs</i> require LEAs to revise policies, practices, and procedures to address disproportionality in disciplinary actions taken against students with disabilities.</li> <li>• FCPS <i>Procedures Required for the Implementation of Special Education Regulations in Virginia’s Public Schools</i> commits to a review of local data relative to long-term suspensions and expulsion of students with disabilities, and as necessary, to take corrective measures.</li> </ul>
<p><b>Legislative and Regulatory Impacts</b></p> <p><a href="http://www.fcps.edu/dss/seps/Mont_Comp/procedures.pdf">http://www.fcps.edu/dss/seps/Mont_Comp/procedures.pdf</a>  <a href="http://www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf">http://www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf</a>  <a href="http://www.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.pdf">http://www.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.pdf</a></p>
<p><b>Resources</b></p> <p><a href="http://www.doe.virginia.gov/support/student_conduct/discipline_children_disabilities.pdf">http://www.doe.virginia.gov/support/student_conduct/discipline_children_disabilities.pdf</a>  <a href="http://www.doe.virginia.gov/support/student_conduct/manifestation_determination.pdf">http://www.doe.virginia.gov/support/student_conduct/manifestation_determination.pdf</a>  <a href="http://www.pbis.org/default.aspx">http://www.pbis.org/default.aspx</a></p>