

ACPS Equity Policy Audit: Student Discipline and Conduct Policies
Administrator Focus Group Feedback (10/25/21)

[Policy JFC: Student Conduct](#)

- As far as the school plans, is there guidance or a template or are we using the code of conduct?
- Will it include MTSS?
- Amend the language (specifically behavior plan (different meanings for different students))
- Should be talking about approaches for communication and intervention
- Was it in the policy beginning in 2015 or has it always been there?
- The behavior plan should have common language. Right now we have a behavior plan for individual students, but certain behaviors are reported and some are included in the student's IEP (or intervention plan)
- This can be used during MTSS
- We need an overview of the process
- If we frame current behaviors the consequences may impact black/brown students more
- Currently, the policy disproportionately affect black/brown students
- This is more than just behavior
- Behavior is about communication, what the reaction is, what the response to the stimulus is
- The code of conduct reflects how we live as a school community, what the expectations are, how we live in school society, it's more than just behavior
- Now that we are back to school, we need to think about community standards, what does this mean for the K-12 community, the middle school community
- We see inconsistencies in language used in class, in respect
- Yes! How will we live as a school society that we want to see
- Restorative practice -
- Community Standards -
- Declarative -
- Within PBIS -
- What traits/characteristics do we need to demonstrate? Processes/standards more than tiered (interventions)
- Construct a wraparound around the individual
- One of the disparities is that not all parents consent. If a student is involved, not all parents consent to the student facing consequences, there is an imbalance if there's no consent

- Who delivers the message, how we understand the policy, who is being referred, who consents
- The burden is on the parents, it becomes problematic if there is no capacity to enforce mandates. We must pay attention to what is being required of parents (they also have a role)
- Policy is naturally dry and detailed. Vision of community is different.
- Our conversation here might be reflected in an addendum of some kind in which would reside our vision for what we want the policies to yield.
- I like the tiered approach.
- What community do we want to be?
- ...Creating the environment we want, policy is 1 thing, but something else entirely different is how we measure the practice, how people interpret the policy, and what are the outcomes
- How to standardize everything. Currently it is subject to interpretation. People bring their own world views to a situation. How can we standardize everything listed here?
- One example is educational neglect. What do we mean by that? How is that decided? Who decides that? [the wording] is open to interpretation
- Focus on making it broad & different (diverse) enough to meet students' needs
- Corrective action plans need to be more specific, there are 16 different interpretations by 16 different people, there's no standard, "if this then that", or even tiered 1-3 within the framework.
- Focus more on the language & usage of restorative practices. The division is shifting to that. Using more interventions and fewer punishments.
- Change language to be more consistent, since it's not always the principal that makes the decision. Change "principal" to "designee" so that it can include member(s) of School Leadership Team
- Agree
- Agree
- Agree
- Change 10th bullet point on page 3: Malicious Mischief. Can this term be more defined?
- More of these terms need definitions
- Obligated to be a good citizen, unsure of what that looks like
- Agree
- It depends on the lens we use to look at it, what that means to me may be different than what it means to someone else
- One example that comes to mind is: Helping a student vs. cheating
- Add language: School Sanctioned activities
- Facilitated by, sponsored by, in association with, partnerships...

- Social media
- Used frequently outside of school, but it has a tremendous impact
- Is this behavior subject to action taken for misconduct?
- Must include bullying, cyber bullying, malicious mischief
- Lots of posts fall under these categories
- Any distinction between use of ACPS issued devices and/or personal devices? (we want to explore)
- 3rd bullet point: the range of action(s) varies, interpreted on a case by case basis. Does an action call for immediate expulsion or is it at the principal's discretion? Infractions should be identified and not on a case by case basis.
- How are events reported? By SBA and not PowerSchool? [Seems like wording is for PS and should be revised.
- Can we include destruction of school property?
- Create an addendum: *if soap dispenser removed...* (Is this as bad as a sexual assault)?
- Focus on language around this
- The questions are guided by a list. Can they be parsed out? Can we differentiate?
- What can we categorize as minor? Shooting, destruction of school property, sexual assault, arson, driving without a license?
- We have parents driving without a license all the time on our campus, but we can't enforce any consequences
- What is the degree of severity? Category 1, category 2, category 3
- Category 1 should include sexual assault, assault & battery. There can be no case x case basis for this. If this happens, automatic expulsion
- Report the wording of this to SBAR, report to PowerSchool, which ensures verified alignment if categorized
- How this impacts students positively/negatively
- Implement changes to category, attribute to incidents & attributed consistently?
- Clarity always helps
- Challenge this "very loose" policy, looked at through adult lens (not student centered), deal with the conduct, the interpretation is all over the place
- We need to get rid of the word "discipline" (per new DOE regulation)
- We need to get rid of the "his/her" terminology (make language more inclusive for nonbinary students)
- On page 2, it mentions "unusual behaviors", can we be more specific?
- Change "the principal will notify" to "school leadership will notify" (this allows for any leader to be the designee, not just the principal)
- Add an appendix to include a template of the long term suspension letter and the hearing letter, request for parents, all other forms

- Attendance (supported by SSW) an ongoing issue with enforcing attendance, ARP process changing. Consider speaking with truancy outreach specialist to improve policy and update to include any changes
- Page 3, where it lists the infractions, excludes disorderly conduct. We need to know what this includes and does it warrant exclusion from activities
- This is not an offense within the school society, but in the community it is an offense
- Should this be included because it *is* an offense? Yes.
- Can we get a specific definition on malicious mischief?
- Alexandria Police Dept (APD) does have a specific definition of what disorderly conduct entails, ACPS should have the same definition as APD
- In terms of malicious mischief & disorderly conduct, who is impacted? If this becomes school based but we are unfamiliar with the definition, who is most impacted?
- In agreement, there is a concern that there will be a bias when applied. If there are no specific definitions, then anyone can be accused of either/both.
- This happens in the community, any police officer can enforce consequences based on this behavior
- The information should then be shared with the school
- Examples of disorderly conduct include: hitting/kicking a police officer
- Acting with the intent to injure, bullying (incl. Cyber bullying, “in-person”)
- Differentiate this from minor issues (e.g. driving without a license, this is a “silly” infraction to impose)

[Regulation JFC-R: Standards of Student Conduct](#)

- Remove gender-specific terms
- Define “neglecting studies” - implement interventions, not consequences
- Currently it is more punitive and less supportive
- Student dress code: Currently there is no dress code, but we enforce consequences for violating dress code. There are so many issues between staff and students. Dress code enforcement can lead to sexual harassment claims. We need to be careful. We also need to implement a non-gender-specific dress code.
- We also need to ensure that the enforcement of the dress code is unbiased. We cannot be quicker to punish students of color than we are to punish white students, especially if they are wearing the exact same clothes, because body shapes are different (and taking into account that students of color may develop at a quicker rate than their white peers).
- Students cannot be penalized for wearing the same clothes as other students but having them look different on their bodies.
- Replace unexcused absences with unexcused tardies.

- Unexcused absences require deeper investigation than do unexcused tardies.
- Unexcused absences can be as simple as cutting a particular class, or as complex as refusal to come to school or being out of the school building all day.
- Facing consequences for being tardy, but receiving intervention for an absence.
- In the 2nd bullet point, where it talks about CHINS/educational neglect, Attendance Review Panel (ARP) should be included, and intervention supports should be used before being charged with educational neglect.
- Bullet point # 5 should be fleshed out.
- For example, black students vs. white students using profane language.
- Preventing a reaction based solely on the race of the user.
- Different consequences based on the context (using profanity in conversation as opposed to cursing at a teacher).
- Definitions too vague.
- Intimidation, judgment calls can easily change because of race/body type.
- A teacher who feels intimidated by a white student will enforce different consequences than a teacher who feels intimidated by a black student.
- We need to address all behaviors.
- We need to define this before anything. The majority of school shooters are white, but this is regularly ignored.
- I would like to have “gambling” moved to the bottom of the list, since it is not so prevalent.
- Would removal be considered?
- It can stay, but I’d prefer it be all the way at the bottom.
- I HATE the idea of teacher removal.
- There are no consequences for unfair removal. It is all teacher-centered.
- It doesn’t address teacher actions. There is no accountability.
- There are no helpful comments to understand disruptive behavior, there are no policies that consider teacher actions.
- There is no remediation (“once you’re out, you’re out”) but there’s no opportunity for the teacher to reteach the lesson.
- Is there any data collection on this (teacher behavior)?
- Teachers trying to provide an environment that is free from obstruction/interruption (what about ADHD students)?
- We can see exclusions and extreme bias when consequences fail, especially for students of color.
- In other districts, if a certain percentage of students are removed from the class, administrators/school leadership sit down with the teacher to review ALL the removals and figure out why those students were removed.

- We need data collection on this.
- Teachers held accountable “Is it me? Can I not manage my classroom? Do I need additional supports?”

[Policy JFCA: Teacher Removal of Students from Class](#)

- Agree that definitions are too loose, need better definitions.
- 1. Disruptive behavior and 2. Interruptions/obstacles.
- De-escalation, different interventions should be included.
- RP currently used at ACHS, listed here.
- Tiered supports
- Special interventions (de-escalation, SEAL)
- Worry about implementation, now seen by School Board (in regulations).
- Effective strategies used by ACPs. We are trained in it and it is used.
- Beef up what we do during de-escalation, the key is better training, and to use the strategies. Measure fidelity of staff usage.
- Require incident reports. I’m worried as to what happens in schools when students are removed. Not every school would have the same standards for removal, dependent on school culture. If this works, there should be systems in place and it should be easy to implement. There should be a form that can be used across the board that specifies the tier(s) and what interventions were used.
- Where are students going when they are removed.
- We are denying them access to education. They are leaving their educational environment behind because of behaviors.
- It differs by school. I see so many students in the hallway and I am bothered by the lack of specifics. It is too “open” as to where they go.
- How can they gracefully reenter the classroom?
- Will there be a conference? A reentry hearing?
- Thinking about the regulations, where should they go? How long should they be there? Who will they be with? What kind of environment will they be in?
- It needs to be a healthy, safe environment.
- As far as equity, we need to ensure consistency. Some students cannot be removed more than others due to their ethnicity/race.
- It [interventions] are currently adult focused, then they are not student focused.

[Policy JFCB: Sportsmanship, Ethics and Integrity](#)

(no comments)

[Policy JFCF/JFCI: Alcohol and Other Drugs \(AOD\) in Schools](#)

(Statutory update required to reflect 2021 amendment of Va. Code §§ 18.2-255.2 and 22.1-277.08 by HB 2312.)

- All references to “parents” should be changed to “parents/guardians.”
- Change “principal” to “principal or designee” throughout the policy.
- This policy seems to primarily be enforced against children of color. Privileged children seem to find ways to circumvent application of the policy through attorneys, parent advocacy, etc.
- How much alcohol triggers this?
- Is application of this policy discretionary by each principal?
- Language re: "discretion" and a "case-by-case basis" are problematic.
- There must be room in the implementation to allow for intent to be considered. At the elementary level, sometimes children can mistakenly put things in their backpack that they don't realize. There should be differences in implementation/consequences b/w elementary and secondary.
- Almost all students who are required to attend the intervention seminars are Latino males, yet they are not the only students using drugs.
- We need to think outside the box and do something different.
- Parents with fewer resources are being respectful and following the process, while parents with resources are able to push back.
- We must also address the SWD (students with disabilities) aspect; we must consider mental health and intent; students may make bad choices when they're off their medication and parents may not be able to afford the medication.
- We must make this equitable.
- Arlington has a program that cannot be circumvented; circumventing also disadvantages the student with resources because it doesn't address the root cause- drug abuse.
- When students of privilege get attorneys involved, what is ultimately the consequence?
- Primarily the children being referred to intervention programs for services are Latino/Black, but that's not reflective of all of the students who are using AOD/tobacco, etc.
- Administrators primarily make the referrals. Deans/administrators/guidance counselors/social workers ultimately submit referrals.
- SWD can be disciplined in the same manner as students without disabilities for the first 10 days; should look at MDR (Manifestation determination review) process. There is room for an impact to be made there.
- Being a restorative school division, what does "being held accountable" look like?

- Behavior is also communication- a student saying "I need help." What does that help look like?
- We say "restorative," but we implement "punishment."
- Some demonstrated behaviors are dangerous and may warrant temporary removal, but then what interventions/supports are we providing? The intervention part of the process should be focused on to really impact our outcome data.
- To improve equity, ALL first offenders should be referred for services.
- Some school divisions have policies re: students who are involved in police activity on the weekend. Their prohibited activity should be addressed through school division consequences so they don't circumvent the Code of Conduct. (Example of students keeping drugs in a locker at Safeway.) The students are also experiencing law enforcement consequences. \
- Arlington's approach is to have more substance abuse specialists.
- Is it ever appropriate for policy to reflect a call for a quarterly review of all infractions/referrals in the sense of a mini-equity audit?
- No references included to huffing or other harms outside of controlled substances. These should be added.
- Referrals should be made consistently.
- Administrators may tend to make referrals when a substance can be smelled on a student; should have more language re: behaviors that indicate a student may be under the influence of a controlled substance; some substances are difficult to overtly notice.
- Administrators implement very differently when a student is suspected to be under the influence- they don't all know the process. There is no administrator onboarding and there needs to be. There needs to be a process/specific steps that administrators should follow when they suspect a student may be under the influence. The school nurse should assess the student as a starting point but should not be a determining factor re: consequences. Nurse should assess for health/safety. A flow diagram would be great. Safety assessment first, then parent notifications, policy check & admin response (SBAR), etc.

[Regulation JFCF-R/JFCI-R: Alcohol and Other Drugs \(AOD\) Abuse: Regulations](#)

- Administrator comments provided for Policy JFCF/JFCI also apply to Policy JFCH/GBEC.
- In Preamble, add language re: programs to educate students about the harmful effects of gang activity.

[Policy JFCH/GBEC: Tobacco-Free School for Staff and Students](#)

(Update required to incorporate nicotine vapor products; to reflect amendment of Va. Code §§ 22.1-79.5 and 22.1-279.6 by HB 2384; and combine with [Policy KGC: Tobacco and Electronic Cigarette Use on School Premises.](#))

- Administrator comments provided for Policy JFCF/JFCI also apply to Policy JFCH/GBEC.
- Needs to reflect the prevalence of vaping.

[Policy JFCE: Gang Activity or Association](#)

- Who is making the determination on these incidences re: what is and is not gang activity? A handshake can communicate anything and look different to different observers.
- From the Gang Task Force: things like clothing, symbols, etc. are changing all the time, so the policy language should not be static.
- What about social media? What if gang activity is displayed through social media and not in school? It should be included.
- That is a good point. We need to add a section on social media challenges. Although these are not gangs, all of these criteria listed include some of the TikTok challenges we have seen. These are "gang-like" challenges and they are illegal, disruptive, and can be expensive to fix.
- We must be careful about identifying students as being in gangs. Focus is on clothing, gestures, etc. We must also address "wannabes"- students who may mimic behavior but who are not in gangs.
- I worry about the language re: wardrobe, signs, etc...because sometimes students can be surviving in the environment they live in without a true gang affiliation. It is open to the interpretation and judgment of the authority figure.
- Can we add some language that includes/addresses social media?
- I agree. Several categories of social media posts should be included.
- What about being held responsible for gang-affiliated graffiti?

[Policy JFG: Search and Seizure](#)

- The sentence, "A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action," should continue with "including and up to..."
- Where else would the searches take place if it is a personal search? Should this be more specific to what it includes? Is there a designated place it should occur? Reassure this may not happen in the middle of a hallway, etc... privacy.
- Wording "reasonable suspicion" should be maintained for administration.

- For pat down of outer clothing, check a backpack don't need a private room.
- How do we define "reasonable suspicion"? Define! Add the law that gives us the right to search (through reasonable suspicion) to the policy?
- How do we differentiate profiling from reasonable suspicion? Must define what reasonable suspicion includes! Data collection on the back-end and how often are we reviewing the data? This will help determine if the policy is rendering profiling.
- Are we eliminating the word "discipline" in response to VDOE changes?
- Do we need to include strip searches? That is typically left to law enforcement?
- Just wanted to put searches in perspective. If we have to define what "personal effects" and "student's person" then we should do so. They are actually different. A student's person can be what they are actually wearing (what do they have on them). Most law enforcement policies state that searches of a person (not personal effects) should only be done by individuals of same sex/gender. We can be similar. A search of a person's personal effects does not fall under this same thought. Same or include in "pat downs" below.
- Metal detectors as part of the policy should be removed since we do not use them?
- "Sex" should be replaced with "gender" throughout the policy.
- Re: searches, what considerations need to be made for students who identify as non-binary/transgender? Is there any case law available for guidance?
- Re: pat-down searches, how do we word this so there is equity with personnel and Trans included. Maybe include a witness at all time?
Should the language come out about gender and just two adults present?
- Think about the concept of sex vs. gender, nonbinary, etc...
- Clarify where pat downs happen. NOT in the private parts, but the arms, legs, ankles, high waist, etc...By someone trained to do so??? Administrator only? Does this apply to students with disabilities? Will be clear for student w/ disabilities. Thinking about kids with trauma and touched? Something to think about.
- Language should be respectful of gender identification.
- Re: strip searches, should the first thing here be that they need to consult with the superintendent or designee first before calling law enforcement?
- Re: Consent Searches section, does parent consent play a role in "consent" when we are speaking of minors? How do we factor in "consent" in light of disability status? In reference to a student with a disability, how would this apply?

[Policy JGD/JGE: Student Suspension/Expulsion](#)

- How do we include interventions in the policy(ies)?

- “Disruptive conduct/behavior”: What is our demographic make-up? Is there over representation in that category? Vague and catch-all. Define what it looks like.
- Should “firearm” include Tasers?
- In “school property” definition, can we include after school and/or programs sponsored by ACPS and in-school grounds?

JGD-R/JGE-R: Student Suspension/Expulsion Regulations

- Should there be language to include consultation with central office and/or interventions.
- How do we include the shift of restorative practices. Should we include a handbook that tells us how to do this. Some of this is in the MTSS document but can be upgraded. Handbook of RP.
- Do we address the disproportionate numbers in the policy.
- **“Disruptive conduct/behavior”** seems to be a catch all. Do we need to be more specific to mitigate bias of individuals. Too much gray area for the application to be unbiased.
- In “school property” definition, if it is sponsored by ACPS and not school property is that covered under this definition. “Sponsored by, in association with,” etc... can be added. Think about exceptions like invitations to events based on infraction like drug and alcohol seminars.
- Re: Section II, “Grounds for Suspension and Expulsion,” infractions such as gambling, violations on the bus, ... are not being suspended let alone expelled for... should they be listed? Revise the suspension list.
- Re: Section III, “Appeal of Suspension and Expulsion,” how do we make this process more accessible. Who has access to legal support. How do we make it more accessible to ALL families and not just the ones with resources. Should we add in policy letters must go out in preferred language? Think about extending the More than 24 hours.
- Re: III.B., “Long-Term Suspension,” we need to put a process in place for re-admittance from long term suspension and lo term placement.
- Define Gang activity.
- Re: Section IV, “Disciplining Students with Disabilities,” when examining many of the discipline-related school or division level responses relevant IDEA guidance or language should be present to both inform parents and schools of the rights of students receiving specialized services.

Policy JGDA: Disciplining Students with Disabilities

- How do we make sure we include interventions within the policy(ies)?
- Re: Section I: Quick alternative placement 45 day should be used in the policy.

A student w/disabilities is the same as all others in the process with the included SPED process.

- Re: Section I, number 1.), Parent resource center and MTSS tools- can they be included in the policy?
- What constitutes 10 days? Once 10 days has happened does the 10 days start all over again? It needs to be clear.
- Should we include MDR when there is less than 10 days but the behaviors continue to persist and days are accumulating? Include the FBA/BIP process in this process prior to 10 days.
- Do we include policy around the timeline for a student to return to school or an alternative placement? Address the time it takes and a timeline for this? Covered under SWD Regs?

[Policy JGDB: Discipline of Students with Disabilities for Infliction of Serious Bodily Injury](#)

(no comments)