



Special Education Advisory Committee

Draft Policy & Regulation 8215 **IN-SCHOOL DISCIPLINARY MEASURES**

Review and Recommendations Summary **January 11, 2023**

Prepared For:
SEAC Membership
Special Education Community
Loudoun County School Board

Overview: Policy and Regulation 8215

IN-SCHOOL DISCIPLINARY MEASURES

Loudoun County School Board believes that fair and equitable discipline practices will contribute to the quality of a student's educational experience. Except as authorized by this policy, all discipline measures shall be imposed by the school principal or designee. The principal or designee should employ practices that are positive and restorative in nature and a continuum of progressive discipline, interventions, supports, and consequences that are consistent with prevention and early intervention strategies.

In July 2022, the SEAC Chair provided the Discipline Committee with the released U.S. Department of Education Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) new guidance documents designed to clarify the use of disciplinary practices in schools. OCR and OSERS each have issued guidance clarifying for school leaders, personnel, and contractors, including school resource officers/police that students with disabilities must be afforded all the civil and legal rights provided under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Individuals with Disabilities Education Act (IDEA).

OCR/OSERS included clarifications and gave access to schools and districts to technical assistance on the following:

- Nondiscrimination requirements under Section 504
- A student with a disability's right to a free appropriate public education (FAPE) in the least restrictive environment (LRE) and clarification that students with disabilities cannot be disciplined for behavior due to their disability regardless of nature or severity
- Section 504 legal requirements apply to contractors including school resource officers/police
- Students' rights and access to FAPE in the LRE and how it applies if threat assessments/violence risk assessments are used by a school or district
- Definition of informal removals (IR), what constitutes an IR/shortened school day
- Ending the use of seclusion and restraint (S/R) which are not evidence-based interventions

The new resources include:

- [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 and an accompanying Fact Sheet.](#)
- [Questions and Answers Addressing the Needs of Children with Disabilities and the Individuals with Disabilities Education Act's \(IDEA's\) Discipline Provisions.](#)

- [*Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders*](#). And,
- A [letter](#) from Secretary Cardona to our nation's educators, school leaders, parents, and students about the importance of supporting the needs of students with disabilities.

SEAC remains committed to and supports behavior policy reform given the abundance of educational research that does not support punitive behavior consequences. Students do well if they can. As an educational institution, SEAC encourages LCPS to educate our students on self-regulation skills and executive functions, as well as support our student's diverse mental health and sensory system needs.

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia reflect the state and federal requirements for the provision of special education and related services. Section [8VAC20-81-230 D.2](#) of the Virginia regulations mandate that an active SEAC exists, specifies membership that requires that a majority of members be individuals with disabilities or parents of children with disabilities as well as defines specific functions of the SEAC, which are as follows:

1. Advise the local school division of needs in the education of students with disabilities;
2. Participate in the development of priorities and strategies for meeting the identified needs of students with disabilities;
3. Submit periodic reports and recommendations regarding the education of students with disabilities to the division superintendent for transmission to the local school board;
4. Assist the local school division in interpreting plans to the community for meeting the special needs of students with disabilities for educational services;
5. Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and
6. Participate in the review of the local school division's annual plan.

This report satisfies requirement 3 and 5 above. SEAC has reviewed the draft policy and determined that it does not meet the needs of students with disabilities. SEAC is further concerned that these policy revisions are not in alignment with the [One LCPS: 2027 Strategic Plan for Excellence](#).

Concerns and Recommendations for Draft Policy 8215

Concern 1: The policy references “progressive discipline” and “positive discipline alternatives”; however, there are no charts in the regulation that define what these are and under what circumstances they should be used. Such a chart would promote consistency in the application of these discipline measures and provide transparency for students and parents.

Recommendation 1: Create a chart in the regulation that clearly outlines progressive discipline and positive discipline alternatives.

Concern 2: Line 20, A. Intervention and Counseling. Counseling is in the title for the section; however, counseling is not addressed specifically in the paragraph.

Recommendation 2: Line 24, Add “understanding how their behavior affects others,” before “developing healthy relationships and making good choices to continue their learning.”

24...School personnel will assist students in [understanding how their behavior affects others](#), developing healthy relationships, and making good choices to continue their learning.

Concern 3: Line 25-26 sends the student to the principal for disciplinary measures without any evaluation or counseling by the school based Unified Mental Health Team.

Recommendation 3: Update line 25 to add a referral to the Unified Mental Health team.

25... [For serious or repeated violations of school rules, the employee should also refer the student to the principal for other disciplinary measures, and to the Unified Mental Health Team for evaluation of the student's home life, current situation in school, \(e.g., grades, disability, attendance, etc.\), and possible referral for a functional behavior assessment and behavior intervention plan.](#)

Concern 4: Section B. Restorative Practices is not clearly aligned with Regulation 8215 with supports for the student during this process.

Recommendation 4: Line 36. Add, “With the support of the Unified Mental Health Team” in front of “Students may participate...”

36...[With the support of the Unified Mental Health Team, students may participate in “circles,” “peer mediations,” or other “conferences” to allow affected parties to come together in a safe environment to explore how everyone has been affected by an offense and, when possible, to decide how to repair the harm.](#)

Concern 5: Lines 45 through 49 - Section C. Detention

1. Lines 45 and 47, use of the word “detained” gives the policy a “criminal over-tone”.
2. Lines 46-47, “engage in activities to promote positive behavior.” Are there activities that are prohibited, i.e., activities that could harm a student’s physical or mental health?
3. Line 49, There is no notification timeline for advance notice to parents. “Parents or guardians must be notified in advance of such detention...” Parents need to be given at least 1-day or more advance notice to collaborate with the school and arrange alternative transportation.

Recommendation 5:

1. Lines 45 and 47, Replace "detained" with "assigned detention"
2. Limits to “activities to promote positive behavior” should be defined. If not in the policy, in the regulation.
3. Line 49, Add “at least 1-day or more” after the word “notified” and before the word “in”.

45 C. Detention. A student may be assigned detention at the school beyond regular school hours for violation of school rules and may be required during this time to engage in activities to promote positive behavior. A student may be assigned detention only by the principal or designee. Parents or guardians must be notified at least 1 day or more in advance of such detention so that they may fulfill their responsibility to provide necessary transportation for the student.

Concern 6: SEAC has received reports that students are prevented from accessing recess as a punishment, which is prohibited in Policy 5011.

1. Lines 51 through 54 – Section D. Denial of School Privileges.
2. Lines 56 through 57 – Section E. Work Assignments

Recommendation 6:

1. Add a reference to Policy 5011 at the end of line 54, “The removal of unstructured activity time (such as recess) and should not be used as a disciplinary consequence or to make up classwork, pursuant to Policy 5011 (A)(3).”
2. Line 57, Update “class or lunch” to “class, lunch, or recess.”

51 D. Denial of School Privileges. A student may be denied normal non-instructional/non-curricular school privileges for a specified period of time by the principal or designee when such denial of privileges is serves as appropriate corrective action for the student’s misconduct of the student. The removal of unstructured activity time (such as recess) should not be used as a disciplinary consequence or to make up classwork, pursuant to Policy 5011 (A)(3).

E. Work Assignments. A student may be assigned non-hazardous work before, 56 during, or after the school or during the school day, when not in class, lunch, or recess.

Concern 7: Lines 65 through 74 – Section F. Removal from Class.

SEAC is concerned with students being removed from the classroom without accurate tracking and reporting of time out of the classroom and away from instruction. This section appears to not align with accompanying Regulation 8215. SEAC is proposing a new Section K. Tracking.

Recommendation 7:

1. At lines 113, Create new Section K. Tracking. This recommendation was presented to SEAC membership on June 9, 2022, as part of the review of Policy 8220 and Regulation 8220-1. STUDENT DISCIPLINARY CONSEQUENCES.

Excerpt below from June 9, 2022 SEAC Policy Review and Recommendation Document for Draft Policy 8220, STUDENT DISCIPLINARY CONSEQUENCES

Recommendation 8: Update Policy 8215

Policy 8215 add Section K – Tracking.

K. Tracking. If any of the above disciplinary measures are implemented against a Student, to include early disciplinary dismissals, an incident report will be completed and shall include the length of time the student is excluded from instruction. A copy of the incident report will be provided to the parent/guardian. The superintendent or designee shall provide yearly reports to the school board regarding disproportionality trends in this data.

Recommendation 8 is responsive to Responsive to Concern 5.

Concern 5: “Stealth Suspensions.” SEAC has received numerous reports that school staff use a variety of exclusionary disciplinary practices tantamount to suspension but designed to avoid student rights and school accountability of suspensions as defined by policy (i.e., sending students home early, removing students from instruction, shortening the school day, etc.). SEAC is concerned that the LCPS discipline data is not an accurate representation of the current disciplinary inequity.

Meeting Discussion:

During the SEAC meeting to discuss these recommendations, Dr. Doug Fulton, Director of School Administration, explained that staff already have a system and are expected to complete incident reports, including the time away from instruction. As the staff have already adopted proposed approach, there should be no objection to requiring it in policy to ensure that the tracking system is actually used and that staff does not undo this progress without the school board’s approval.

2. Add at the end of Line 74, “Data shall be collected and maintained in the student’s record and the parent(s) or guardian(s) will be notified as further defined in Section K. Tracking.”

3. Line 74, Remove "for more than 30 minutes" for consistency with Regulation 8215.

73.....Parent(s) or guardian(s) of any student shall be notified if a student is removed from instruction. Data shall be collected and maintained in the student's record and the parent(s) or guardian(s) will be notified as further defined in Section K. [Tracking](#).

Concern 8: Lines 87 through 97. Section H. Denial of Bus Transportation. The policy does not have any reference to IDEA or ADA for students with disabilities.

Recommendation 8: Line 96 after privileges. ADD "in compliance with the requirements of IDEA."

95 appropriate. The principal or designee or the Director of Transportation may deny 96 transportation privileges [in compliance with the requirements of IDEA](#).

Concern 9: Lines 108 through 112. Section J. [Appeal Rights and Procedures](#). Parents should always have the right to appeal any disciplinary decision and should not be denied such rights.

Recommendation 9:

1. Line 108 and 109, Delete "Disciplinary actions taken in accordance with paragraphs A-G of this policy are not appealable."
2. Line 109, Modify second sentence to read "Parents or guardians may petition for review of disciplinary actions taken in accordance with this policy in the same manner as short-term suspensions, per Regulation 8220-1."

109 [Parent or guardians may petition for review of disciplinary actions taken in](#)
110 [accordance with this policy in the same manner as short-term suspensions, per](#)
111 [Regulation 8220-1](#)

Recommendation 10: Update Cross References on Line 124 to note the new name of Policy 8220 – Replace "Student Suspension from School" with "Student Disciplinary Consequences"

SEAC Membership Vote on Policy 8215

SEAC Membership Vote on Recommendations

Quorum: 15 of 17 SEAC members present, quorum established

Motion: Melissa Waugh made a motion to vote on the Policy and Compliance Subcommittee recommendations 1 through 10 as a slate. Motion was seconded by Rozeena Khattak. Vote carried unanimously.

A PTA/PTO representative raised a concern that there were too many considerations for a slate vote.

Melissa Waugh made a motion for reconsideration of the former vote, seconded by Shehnaz Khan; the floor was opened for discussion. Lorraine Hightower commented that all SEAC members had been provided with the subcommittee recommendations in advance of the meeting and felt any concerns would have been raised by the membership. The motion for reconsideration failed. It should be noted that a non-member voted, the unanimous vote reflects the membership vote.

Vote Summary: Passed Unanimously

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____ Loudoun County School Board believes that fair and equitable discipline practices will contribute to the quality of a student's educational experience. Except as authorized by this policy, all discipline measures shall be imposed by the ~~principal of the school or a person designated by the principal~~ principal or designee. The principal or designee should employ practices that are positive and restorative in nature and a continuum of progressive discipline, interventions, supports, and consequences that are consistent with prevention and early intervention strategies.

In addition to the disciplinary measures authorized herein, the principal or designee is authorized, ~~after consideration of positive discipline alternatives, to use removal from school~~ remove students from school, if necessary, to provide a safe learning environment for all students ~~and after consideration of positive discipline alternatives. These Student disciplinary procedures regarding suspension and expulsion are provided for in Policy 8220 and its associated Regulations, and student disciplinary procedures regarding their exclusion from student interscholastic, co-curricular, and extracurricular activities, as is provided for in Policy 8350.~~

A. Intervention and Counseling. Any licensed employee of the School Board may provide intervention based on progressive discipline measures, when a student is observed or otherwise known to have violated a school rule. Support will be provided to students who engage in inappropriate behavior and students who are impacted by inappropriate behavior. School personnel will assist students in developing healthy relationships and making good choices to continue their learning. For serious violations of school rules, the employee should also refer the student to the principal for other disciplinary measures.

B. Restorative Practices. Students who commit infractions ~~in-school while under on school property, participating in or attending any school-sponsored activity—regardless of its location, including travel to and from an event, going to or returning from school—irrespective of the mode of transportation, or that substantially disrupt school operations, regardless of where such conduct occurred, school authority~~ may be given an opportunity to understand how their behavior affects others in the school community, including students, teachers, and parent/caregivers, ~~and through a process that directly involves relevant stakeholders them in a process~~ to repair the harm caused. Students may participate in “circles,” “peer mediations,” or other “conferences” to allow affected parties to come together in a safe environment to explore how everyone has been affected by an offense and, when possible, to decide how to repair the harm. ~~Principals may use restorative practices in lieu in conjunction with, or as part of, other dispositions. or to reduce the total number of days of in-school restriction or class removal in accordance with LCPS Restorative Practices protocols as listed in Regulation 8215.~~

B. ____

C. Detention. A student may be detained at the school beyond regular school hours for violation of school rules and may be required during this time to engage in activities to promote positive behavior. ~~A S~~ student may be detained only by the principal or

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designee. Parents or guardians must be notified in advance of such detention so that they may fulfill their responsibility to provide necessary transportation for the student.

D. Denial of School Privileges. A student may be denied normal ~~non-instructional/non-curricular~~ school privileges for a specified period of time by the principal or designee when such denial of privileges ~~is serves as~~ appropriate corrective action for the ~~student's~~ misconduct ~~of the student~~.

E. Work Assignments. A student may be assigned non-hazardous work before, during, or after the school ~~or during the school~~ day, when not in class or lunch. Work assignments should be made only by the principal ~~or, or~~ designee, ~~or teacher~~, and the student must ~~be~~ properly ~~be~~ supervised during any work assignment. No student shall be assigned or allowed to operate any machinery or use any tool or instrument capable of inflicting injury to the student or others. No student ~~will~~ be required to perform a work assignment ~~to which if such assignment is objected to by the~~ parent(s) or guardian(s) object.

F. Removal from Class. ~~For improper behavior in any class or activity, After school staff have utilized early intervention strategies, based on positive behavior and restorative discipline, to address and promote appropriate behaviors in the classroom, a student may be temporarily be removed by the principal or designee or teacher for improper behavior in any class or activity. After school staff have utilized early intervention strategies based on positive behavior and restorative discipline to address and promote appropriate behaviors in the classroom with the student.~~ If removed from the classroom, the student will be assigned ~~to complete to work at school~~ school work or study in another place. ~~The p~~Parent(s) or guardian(s) of any student shall be notified if a student is removed from instruction for more than 30 minutes.

G. In-School Restriction. For serious or repeated violations of school rules, a principal or designee ~~may student may be assigned a student~~ to in-school restriction at the school ~~by the principal or designee~~. During the period of assignment to in-school restriction, the student may be isolated from normal school activities and may be denied ~~non-instructional/non-curricular~~ school privileges and participation in or attendance at ~~student interscholastic, co-curricular, and extracurricular activities~~ school activities. The student may engage in restorative dialogue in order to understand the impact of ~~his/her~~their behavior, ~~and~~ make positive behavior changes, and complete academic assignments. Parent(s) or guardian(s) of the affected student shall be notified of in-school restriction.

H. Denial of Bus Transportation. ~~Subject to, and notwithstanding, Policy 6210 (Student Transportation) and its accompanying Regulation and Policy 6220 (Student Safety and Discipline on Buses), S~~students who misbehave on school buses may be denied the privilege of being transported on school buses for a short period of time, ~~in accordance based on~~with this policy's accompanying Regulation ~~8215~~. Attempts will be made by school personnel to utilize positive and restorative measures for intervention and to promote safety on the bus. Continued or serious misbehavior may be punished

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by a longer period of denial of transportation privileges and other discipline measures as appropriate. The principal or designee or the Director of Transportation may deny transportation privileges. ~~The p~~Parent(s) or guardian(s) of any student denied transportation shall be notified.

I. Procedural Requirements for Notice. The procedural requirements for notice provided for herein shall not apply in any case where such disciplinary measures are implemented during a field trip (see Policy [5070](#)). School personnel shall maintain order and discipline while on a field trip, foreign trip, or other activity away from the school the student regularly attends. Once the field trip, foreign trip, or other activity has ended and the students return to school, school personnel may additionally consider ~~the applicable~~ discipline measures under Policy [8220](#), and exclusion from extracurricular activities, as provided ~~for~~ in Policy [8350](#).

J. Appeal Rights and Procedures. ~~—~~Disciplinary actions taken in accordance with paragraphs A-G, ~~I~~H of this policy are not appealable. ~~Parents may petition for review of denials of bus transportation in the same manner as short-term suspensions, per Regulation 8220-1.~~ -Parent(s) and guardian(s)s are encouraged, however, to discuss disciplinary actions with the ~~principal of the~~ school principal.

[Former Policy §8-26]

Adopted: 8/12/75

Revised: 5/10/83, 9/13/88, 6/22/93, 10/14/97, 9/22/09, 2/22/11, 9/22/15, ~~2/13/18~~

Current Revision: ~~2/13/18~~ 9/26/2022

Legal Ref.: Va. Code 22.1-276.2.

Cross Refs: Policy [8220](#), [Regulation 8220-1](#), Student Suspension from School, Policy [8350](#), Exclusion from Extracurricular Activities, and Policy [5070](#), Field Trips, Policy 6210, Student Transportation, Policy 6220, Student Safety and Discipline on Buses.

Concerns and Recommendations for Draft Regulation 8215

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Concern 1: Section G. Procedures for Bus Transportation.

Removing students with disabilities from Bus Transportation. According to OCR, the bus is an extension of the classroom for the purposes of disciplining a student with a disability. Schools must follow the same procedural safeguards that apply to disciplinary removals.

- OCR Memorandum, 305 IDELR 51 (OCR 1989); and
- Letter to Veir, 20 IDELR 864 (OCR 1993).

OCR has stated that bus suspensions can constitute a significant change in placement if the removal is a disciplinary measure and the school provides no means of alternative transportation.

- See Letter to Sarzynski, 59 IDELR 141 (OSEP 2012);
- Questions and Answers on Serving Children with Disabilities Eligible for Transportation, 53 IDELR 268 (OSERS 2009); and
- Orange County Sch. Dist., 114 LRP 22531 (SEA FL 08/20/13).

Recommendation 1:

4. Level 4: Line 151, After designee. ADD: “For students with disabilities, principals may recommend a bus removal of more than 10 days and must follow the same procedural safeguards that apply to school based disciplinary removals of more than 10 days. If the behavior is found not to be a manifestation of the student’s disability, the student may be removed from the bus for more than 10 days; however, alternative transportation must be provided.”

149 4. Level 4: Removal from the bus for 3 -to- 10 school days. Principals may
150 recommend a bus removal of more than 10 days, but not to exceed the span of an
151 entire grading period to the Superintendent’s designee. For students with disabilities,
principals may recommend a bus removal of more than 10 days and must follow the same pro-
cedural safeguards that apply to school based disciplinary removals of more than 10 days. If
the behavior is found not to be a manifestation of the student’s disability, the student may be
removed from the bus for more than 10 days; however, alternative transportation must be pro-
vided.

5. Level 5: Line 159 after designee. ADD: “For students with disabilities, principals may recommend a bus removal of more than 10 days and must follow the same procedural safeguards that apply to school based disciplinary removals of more than 10 days. If the behavior is found not to be a manifestation of the student’s disability, the student may be removed from the bus for more than 10 days; however, alternative transportation must be provided.”

156 5. Level 5.- Loss of bus privileges. A student may be denied bus privileges if Level 4
157 interventions do not work or if the severity of the behavior merits a more intensive
158 response. Principals may recommend the loss of bus privileges for longer than a
159 grading period to the Superintendent's designee. For students with disabilities, principals
may recommend a bus removal of more than 10 days and must follow the same procedural
safeguards that apply to school based disciplinary removals of more than 10 days. If the behav-
ior is found not to be a manifestation of the student's disability, the student may be removed
from the bus for more than 10 days; however, alternative transportation must be provided.

Concern 2: Removal from the classroom does not reference students with IEPs.

Recommendation 2: Line 169 ADD after 504 plans, "Individual Education Plans (IEP's),"

162 H. Other Provisions.

163

164 The principal shall ensure that students removed from class under this
165 Policy 8215 continue to receive an education in accordance with School Board
166 policies.

167

168 Application of this regulation to students with disabilities, students with Section
169 504 plans, Individual Education Plans (IEP's), or students who are English Learners shall
170 be consistent with federal and state law and regulations, as well as School Board policy.

Recommendation 3:

- Update Cross References on Line 193 to note the new name of Policy 8220 – Replace "Suspension from School" with "Student Disciplinary Consequences"
- Add: 34 CFR 300.530; 34 CFR 300.536; Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, 122 LRP 24161 (OSERS 07/19/22).

SEAC Membership Vote on Regulation 8215

SEAC Membership Vote on Recommendations

Quorum: 15 of 17 members present, quorum established

Motion:

- Melissa Waugh made the motion to vote on Recommendation 1, seconded by Shehnaz Khan
- Melissa Waugh made the motion to vote on Recommendation 2, seconded by Rozeena Khattak
- Melissa Waugh made the motion to vote on Recommendation 3, seconded by Shehnaz Khan

Vote Summary:

Recommendation 1: Passed Unanimously

Recommendation 2: Passed Unanimously

Recommendation 3: Passed Unanimously

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Teachers shall have the initial authority to remove students from class for disruptive behavior. Disruptive behavior is defined as **a violation of school board policies or regulations governing** student conduct that interrupts or obstructs the learning environment. This regulation does not preclude school personnel from removing disruptive students from school, class, or activities under existing policies and regulations **without prior written documentation.** ~~This regulation is enacted pursuant to state statute §22.1-276.2 of the Code of Virginia.~~

A. Criteria for Removal of a Student From Class.— Prior to the removal of a student from class, under this regulation, **one of the following**—criteria must be met, **in addition to the requirements for incident reports, set forth in Section B below:**

1. The student's behavior is disruptive, as defined above, and staff have **previously utilized and documented multi-tiered positive behavior intervention strategies** ~~based on positive behavior and/or restorative discipline language and/or measures to address appropriate behaviors previously; or.~~

2. The student's removal from the class is necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior; ~~or.~~

~~3.~~ **3.** The **attempted** teacher and/or administrative interventions have **been attempted and** failed to end the student's disruptive behavior~~r.~~

~~4.3. The teacher and/or school administrators will provide has provided notice of the student's disruptive behavior and the opportunity to meet with the student's parents/guardian.~~

When **one all** of the above criteria **hasve** been satisfied, **a teacher's** removal of a student from class under this regulation shall be deemed appropriate.— **The teacher and/or school administrators shall provide notice of the student's disruptive behavior to the student's parent(s)/guardian(s) and provide the student's parent(s)/guardian(s) with an opportunity to meet with school administrators in response to this action.**

~~4.~~ **B.** Requirements for Incident Reports.— No removal under this regulation shall occur unless two **(2)** prior written incident reports have been filed with school administrators, **regarding classroom conduct in violation of Section A above.** |
~~[WA1][RF2][WA3]~~^[DF4]

1. The incident reports must include previously documented interventions and

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responses to assist in improving the student's behavior that incorporates communication among the student support team of the school administration, school counseling staff, and the parent/guardian.

2. Upon removal, the teacher shall file a "Student Discipline Referral Form" ~~with school administrators~~—and any other documentation to support the removal— including, but not limited to, the previous two incident reports, ~~with school administrators~~.

C. Procedures for Notification of Student and Parents.— ~~The A~~ teacher shall provide copies of any incident report and Student Discipline Referral Form to the student and ~~his/her~~their parent(s)/guardian(s) and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and ~~the~~ possible consequences if the behavior continues.— Notice to meet with the teacher and/or school administrators shall occur in a timely fashion. The teacher shall document, in writing, ~~his/her~~their attempts to request and encourage ~~the~~ parent(s)/guardian(s) to meet with ~~the teacher and/or~~ school administrators ~~and/or the teacher~~. Notice and documentation shall be required for each incident report and student removal under ~~this policy~~ Policy 8215.

D. Guidelines for Alternative Assignment and Instruction of Removed Students.— The principal shall determine the appropriate placement of ~~the a removed~~ student.— The principal ~~or, assistant principal, or teacher designee~~ has several options regarding the placement of a removed student, including:

1. Assigning the student to an alternative program within the school;
2. Assigning the student to another classroom within the school;
3. Sending the student to ~~the principal's~~ ~~an administrator's~~ administrator's office;

~~3.4. or s~~Assigning the student to study hall.— If the principal ~~or designee, assistant principal, or teacher designee~~ chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student;

~~4.5.~~Suspending or recommending ~~expelling~~ expulsion of ~~the~~ student. If the principal ~~or designee, assistant principal, or teacher designee~~ chooses this option, alternative instruction and assignment, if any, shall be provided according to School Board policy (see, e.g., Policy 8140: Student Attendance Requirements and Procedures) ~~and in the case of students with disabilities, in accordance with federal~~ ~~law~~; or—

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5.6. Returning the student to class (see Section E., Procedure for the Student's Return to Class below).

E. Procedure for the Student's Return to Class.— The principal, ~~assistant principal, or teacher or designee~~ shall determine, after consultation with the teacher, the duration of ~~the~~ student's removal from class. ~~The principal or designee~~ shall notify the teacher of the decision to return— the student to class. The following procedure shall apply if the teacher disagrees with the principal's decision to return a student to the class:

1. The teacher and principal shall discuss the teacher's objection to returning—the student's return to class, and the principal's reasoning for returning the student, ~~and determine if a change in the return date of the student to class is warranted.~~ Parent(s)/guardian(s) must be notified of a change in the return date of the student to class, as appropriate.

~~4. The teacher, after meeting with the principal, may request, in writing, within one school day, that the Division Superintendent or designee resolve the disagreement concerning returning the student to class. The incident reports and removal form must accompany the request. After discussion with the principal and teacher or receiving their written comments, the decision of the Division Superintendent or designee shall be final. The decision shall be made within two (2) working days of the teacher's request. While the request is in process the student shall not be returned to class and the principal will determine an appropriate placement for the student.~~

2. Once the decision has been made to return the student to class, the teacher and principal shall develop a plan to address future disruptive behavior.

F. Restorative Practices.— Principals may collaborate with the Restorative Practices Specialist and Facilitator in the Office of Student Assistance Services, and other appropriately trained school-based designees, in providing students who are removed from classes the opportunity to participate in restorative practices, as appropriate, to support the student's behavioral improvement ~~of behavior~~. Restorative conferencing is always a voluntary, confidential process that often involves a written agreement. ~~The p~~Principals may use restorative practices in lieu of in conjunction with, and as part of, ~~with other dispositions— or to reduce— the total number of days of removal from the classroom, as appropriate, in accord with LCPS Restorative Practices protocols.~~ LCPS Restorative Practices offers a continuum of services to promote a safe and inclusive environment for our students.

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F.G. Procedures for Bus Transportation.— Proper bus behavior is critical to the safe operations of school buses. If the student's conduct is dangerous or threatens the safety of others, then a more severe disciplinary response may be needed. **Subject to, and notwithstanding, Policy 6210 (Student Transportation) and its accompanying Regulation and Policy 6220 (Student Safety and Discipline on Buses),** the principal or designee shall implement the following progressive levels of bus discipline when a student is in transit to/from school on the bus or at a bus stop:

1. **Level 1.**— Staff may use a reflection sheet, the assignment of a specific seat while on the bus, provide counseling/mediation or use **Positive Behavioral Interventions and Supports (PBIS)** for two or more students experiencing a conflict, call the student's parent/guardian,⁷ or hold a conference with the student and parent(s)/guardian(s).

2. **Level 2.**— Staff may use a behavior chart, give an administrative warning, issue detention or lunch detention,⁷ ~~conductor conduct~~ an administrative conference with the **student's** parent(s)/guardian(s). These interventions may be used if Level 1 interventions do not work or if the severity of the behavior merits a more intensive response.

3. **Level 3.**— An administrator may hold a conference with the **student's** parent(s)/guardian(s) and the student, assign detention, remove the student from the bus ~~1--to--3 school days,~~⁷ or require restitution. These interventions may be used if Level 2 interventions do not work or if the severity of the behavior merits a more intensive response.

4. **Level 4.**— **Removal from the bus for 3--to--10 school days. Principals may recommend a bus removal of more than 10 days, but not to exceed the span of an entire grading period to the Superintendent's designee. ; or ; removal from the bus for up to the entire grading period.** ~~[WAG][DF7][DF8]~~ These interventions may —be used if Level 3 interventions do not work or if the severity of the behavior merits a more intensive response.

5. **Level 5.**— ~~Loss of bus privileges.~~ A student may be denied bus privileges if Level 4 interventions do not work or if the severity of the behavior merits a more intensive response. **Principals may recommend the loss of bus privileges for longer than a grading period to the Superintendent's designee.** ~~[DF9][DF10].~~

G.H. — Other Provisions.

The principal shall ensure that students removed from class under ~~this policy~~ **Policy 8215** continue to receive an education in accordance with School Board

IN-SCHOOL DISCIPLINARY MEASURES

policies.

Application of this regulation to students with disabilities, ~~students with Section 504 plans,~~ or students who are English Learners shall be consistent with federal and state law and regulations, as well as School Board policy. ~~shall be consistent with federal and state law and regulations as well as School Board policies. regarding students with disabilities.~~

Teacher deficiencies in classroom management shall be addressed in teacher evaluations pursuant to ~~Policy 7312~~ Policy §7-21.

This regulation does not limit or restrict the ability of ~~School Division~~LCPS employees to apply other policies, regulations, or laws for maintaining order and safety in the classroom or elsewhere on LCPS school property, where students are participating in or attending any school-sponsored activity—regardless of its location, including travel to and from an event—or where students are going to or returning from school—irrespective of the mode of transportation.:

[Former Regulation 8-26]

Issued:— 6/23/98, 2/13/18

Current Revision:— ~~2/13/18~~ 9/26/2022

~~Leg-Cross~~ Ref:— Code of Virginia §22.1-276.2; Policy 6210: Student Transportation; Policy 6220 - Student Safety and Discipline on Buses; Policy 7312 - Evaluation of Licensed, Classified, and Administrative Staff; Policy 8215 - In-School Disciplinary Measures; Policy 8220: Suspension from School; Policy 8210: Introduction to Student Discipline; Policy 8140: Student Attendance Requirements and Procedures