



Special Education Advisory Committee

Draft Policy 8260

REPORTING OF STUDENT CONDUCT

Recommendations Summary

November 2, 2022

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

Overview: Policy 8260

REPORTING OF STUDENT CONDUCT

This policy addresses incidents that must be reported by LCPS to law enforcement, the School Board, and the Virginia Department of Education; and what offenses committed by students must be reported by law enforcement to division superintendent, the principal, or their designee per Virginia Code § 22.1-279.3:1.

SEAC has reviewed the draft policy and determined that it does not reflect the needs of students with disabilities.

Resources:

<https://www.justice4all.org/wp-content/uploads/2018/10/FullSuspendedProgress2018.pdf>

<https://www.justice4all.org/wp-content/uploads/2018/08/Investing-in-Student-Safety-and-Success.pdf>

Concerns and Recommendations

Concern 1: Research using national and state-wide data sources has shown that students with disabilities are disproportionately referred to law enforcement for their behavior. SEAC is concerned that LCPS has similar disparities.

Recommendation 1: Add reporting of data for students with disabilities.

At Line 150, Create a new section 4.

4. When preparing the reports identified in D. 2. and 3. above, the Superintendent will prepare an aggregate report that identifies the number of these incidents that involve students with disabilities and will make such information available to the public.

SEAC Membership Vote

SEAC Membership Vote on Recommendations

Quorum: 13 of 16 SEAC Members present – Quorum Established

Motion: Melissa Waugh made a motion to accept the recommendations put forth by the Policy and Compliance Subcommittee. Rozeena Khattak, seconded the motion.

Vote Summary: Unanimous

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Loudoun County Public Schools (LCPS) is committed to providing every student enrolled a quality education in an environment that is safe and supportive for teaching and learning. This section addresses incidents that must be reported by LCPS to law enforcement, the School Board, and the Virginia Department of Education; and- what offenses committed by students must be reported by law enforcement to division superintendent, the principal/principal, or their designee per Virginia Code § 22.1-279.3:1.

—Reporting of Incidents by School Principals

A. The principal or designee of each school collects and maintains information on the above listed acts which occur on school property, on a school bus or at a school-sponsored activity. Reports shall be made to the division superintendent and to the principal or his-~~their~~ designee on all incidents involving:

1. ~~the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; a~~Alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medication;

2. the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person or stalking of any person as described in §18.2-60.3 on a school bus, on school property, or at a school-sponsored activity;

3. ~~any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in §18.2-248.1:1, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; t~~The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;-

4. any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;

5. the illegal carrying of a firearm as defined in §22.1-277.07 onto school property;

6. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in §18.2-85, or explosive or incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or

7. any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses; or

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8. ~~_____8._____~~ the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the ~~charges~~charges.

9. ~~any illegal possession of weapons, alcohol, drugs or tobacco products.~~

~~The principal of each school collects and maintains information on the above listed acts which occur on school property, on a school bus or at a school-sponsored activity.~~

B. Reports to Law Enforcement

~~B._____~~

Except as may otherwise be required by federal law, regulation, or jurisprudence, each principal:

1. ~~s~~Shall immediately report to the local law-enforcement agency any incident described in sub~~section~~ A 1 that may constitute a felony offense;

2. ~~s~~Shall immediately report to the local law-enforcement agency any incident described in sub~~sections~~ A 3 through 7, except that a principal is not required to but may report to the local law-enforcement agency any incident described in subsection A 4 committed by a student who has a disability;

3. ~~m~~May report to the local law-enforcement agency any other incident described in section A that is not required to be reported pursuant to sub~~section~~ 1 or 2; and

4. ~~s~~Shall immediately report any act enumerated in sub~~sections~~ A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if the incident has been so reported, that the parents may contact local law enforcement for further information, if they so desire.

The principal or principal's designee reports all incidents required to be reported pursuant to section A-1-of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that are provided by the Department and makes such information available to the public.

In submitting reports of such incidents, principals and superintendents accurately indicate any offenses, arrests or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection I.B. of this policy.

Nothing in this policy shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Whenever any student commits any reportable incident as set forth in this policy, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the Superintendent or designee.

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G. Reports by Law Enforcement to School Principal

Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, Local law-enforcement authorities shall report, and the Superintendent, principal or ~~his~~their respective designees shall receive such reports on:

1. ~~offenses~~, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult; ~~or~~
2. ~~or~~ would be a violation of the Drug Control Act (§54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity; ~~or~~
3. ~~, or~~ would be an adult misdemeanor involving any incidents described in ~~clauses (i) through (viii) of subsection A.~~, and whether the student is released to the custody of ~~his~~their parent or, if 18 years of age or more, is released on bond.
4. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.
5. In order to further memorialize the foregoing provisions of this section, the applicable Virginia Code provisions setting forth local law-enforcement authorities' reporting requirements to school principals and the Superintendent should be incorporated by reference in future memoranda of understanding entered into between LCPS and local law-enforcement, as if set forth fully therein.

D. Semi-Annual Reports- Regular Reporting Requirements

1. Each principal or designee will collect and maintain information on the incidents set forth in section A, as well as those set forth in 8 VAC 20-560-10 (Reportable incidents), that occur on school property, on a school bus, or at a school-

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sponsored activity, and shall report the information semi-annually to the Superintendent on dates established by the Superintendent.

2. The Superintendent will submit an aggregate report of such incidents to the Department of Education on an annual basis for the purpose of recording the frequency of such incidents on forms that are provided by the Department of Education and will make such information available to the public.
3. In submitting reports of such incidents, principals and the Superintendent will accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to section C above.
4. The principal or designee will also notify the parent of any student involved in an incident required by this policy to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

~~1. The principal or his their designee shall submit semi-annual reports of all incidents required or authorized to be reported pursuant to this policy to the superintendent. The division superintendent shall annually report all such incidents to the School Board and to the Department of Education for the purpose of recording the frequency of such incidents on such forms as may be provided by the Department and shall make such information available to the public.~~

~~C.—~~

~~—~~

~~1. The principal or his their designee shall also notify the parent of any student involved in an incident required by subsection A or authorized by subsection B-C to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.~~

~~2.—~~

~~3. Whenever any student commits any reportable incident as set forth in this policy, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his their designee.~~

~~C.— The principal shall immediately report to the local law enforcement agency any act enumerated in subsection A (ii)-(vii) that may constitute a criminal offense; the principal may report to the local law enforcement agency any incident involving the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school sponsored activity.~~

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~~A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.~~

~~D. The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.~~

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in subsection A (ii) (v) that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

_____ For the purposes of this policy, "parent" or "parents" means any parent, guardian
or other person having control or charge of a child.

~~Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.~~

~~D. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.~~

~~E. _____~~

Legal Reference: Code of Virginia §§ 22.1-279.3:1, § 22.1-253.13:7
8 Virginia Administrative Code 20-560-10

[Former Policy 8-38]

Adopted: 10/22/02

Revised: 10/14/03, 4/24/07, 9/27/11

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