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Loudoun County School Board, Discipline Committee Meeting, Monday, February 27, 2023

Date Monday, February 27, 2023
Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 35m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/802899015?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:00:00] for public comment this evening? Okay, so moving on to item number 301, approval of the January 30th minutes.

[00:00:20] I move that we approve the minutes from the January 30th meeting. Do I have a second? - Second. - All those in favor, raise your hand and say aye. - Aye. - Aye. That motion will pass unanimously with all board committee members present with Ms. Polifco absent.

[00:00:40] We have two information items this evening. The first is policy 8155 school assignment. And I'd like to ask for some context and feedback from staff on this policy, the adjustments to it.

[00:00:59] And I know that this is one of the ones that we have agreed we will move forward expeditiously because there are comments towards the end that are related to the December 13th work session, and, but wanted to ask, specifically related to this policy, there was feedback from both SEAC and MSAC that were provided and wanted to get an assessment from staff on applicability for the comments from those two organizations.

[00:01:37] Thank you. - At this time, I'd like to turn it over to Dr. Bowers for those responses. And I'm going to ask Dr. Nicola, I believe you provided a document that addressed some of those answers.

[00:02:08] Is that correct? Yes, we went item by item. Say that again? We went item by item in terms of the feedback from the various committees. And is that document included in the packet?

[00:02:26] No, we have it in front of us. So I'll address as many as I can, and then if I miss any, you can let me know. So we did have quite a few items that had questions or were asked for some clarification. In many cases, the recommendations were not made because one, they were either not relevant to the specific policy that we had.

[00:02:49] In some cases, there was a request that for greater specificity and the policy as we kept it was kept broad because we wanted to make sure that we address all of the individual situations on a case-to-case basis when we had a request for special permission or instructional suitability that needed, that we could not be very specific because if we did, we missed some of the nuances of situations for families that they had, so therefore the policy was left broad rather than very specific.

[00:03:27] Special permission is approved based upon space and capacity, and so we, within the policy, we address that, that when there is space available, and there's no other items that we would consider to be of concern that we would, that the student is placed there.

[00:03:46] And we wanna make sure whenever we provide a student access through special permission that there is, that there's not only space within the school, but also capacity within other programs may be in the school and some of the changes that were brought about to the Student Services Committee were making sure that if there was a fifth grade student that was that had been at the elementary school that they'd be approved and we do that if there's basic capacity as well as look at a few others

[00:04:21] here so the fifth grade students would be grandfathered in we also take into affect VHSL rules and I want to go back to a couple of the questions that I believe the first one was is what do we do I believe this was from MSAC about other reasons or for other reasons which was on page or line 15 13 14 and there's a question about meeting the individual educational needs for other reasons and we we kept that in there because the question was is why we're not we not specific with that and the reason why is because we can't account for all the

[00:04:59] other reasons that may be considered but we want to make sure that if a student is providing instructional suitability that we look at the individual cases did you have any specific questions from the MSAC recommendations or requests that I could answer if you can give me a moment and I know Mr. Mahedevi had a question as well no thank you chair so in the packet I think the if I recall we went through sorry Bob you want to I'm sorry Mr. Mahedevi I wanted to just bring up something just as a clarifying matter so this went through

[00:05:38] the Student Services Committee for review and I think the purpose of bringing it to the Discipline Committee was to review the new changes that had been implemented in the work session and so there are so I'm not I'm not telling y'all what to do you can you know you can go through the whole thing if you want but that might make it a little simpler that was gonna bring it back because we went through the SEAC recommendations and I think the only, again, what you just said and I think the other aspect of this was that we didn't review the MSAC feedback at that time in the student services

[00:06:16] because that feedback was somehow was there, not there, I'm not sure, but those are the only two things we're going to look at, at least how I understood it since being in both the committees. So it's kind of a little bit of a overlap between both of us being in both committees there. So anyway, so would

you, are you going to take that on and I guess to talk about what the updates and feedback from the work session were?

[00:06:40] Sure. So this policy was already in committee and had been updated. Let me get it in front of me again. So the new change was subject, pursuant to the December 13th work session, was subsection E3 regarding a student or assignment or transfer that's a result of disciplinary or safety consideration that's on lines I think 350 sorry 361 through 374

[00:07:13] of the red line anyway excuse me and SEAC had two changes that I think one was the first recommendation from SEAC was that we refer or include the IEP or 504 team case manager in any the part let me back up actually the purpose of this new section was to was to have a meeting between the the staff of the current school and a

[00:07:50] future school when a student is being transferred for disciplinary or safety reasons and then it also includes a requirement that the superintendent is notified of all of those transfers and it does have a list of folks who are required to be in that meeting to discuss and plan for any relevant safety considerations and so originally there was not a reference to the IEP team case manager or 504 case manager in the policy see I could recommend that we do include that and so that that recommendation had been made i'm sorry i didn't mean to steal anyone's

[00:08:29] thunder do you want me to keep going okay all right so then the second recommendation uh was at line uh 372 seac had recommended that um for students with an iep or 504 plan um that an emergency meeting be convened and then for any other student a team would be convened to consider making a referral for evaluation for special education and related services that change had not been adopted in this red line version

[00:09:05] that is because as my because an IEP team meeting would would necessarily happen if a student was or 504 team meeting would happen if a student was being moved from one school to another to consider that the services were being implemented appropriately and then for students who are not who do not have an IEP or section 504 plan we didn't want to impose an obligation for child find because a student may be moved pursuant to a court order and there may not be any need for a child find and we wouldn't want to impose child find on a student who

[00:09:44] doesn't need it and require staff to go through that either it's child finds its own obligation we're obligated to go through that process regardless of whether there's a change or not that makes sense to me do you have concerns about that no chair I don't have any concerns about that so I think if we can just give us a few minutes I think we're both just looking

[00:10:19] at some of the details of the other comments just to make sure as Mr. Mahed if you mentioned

[00:10:25] those weren't available when the other committee was meeting.

[00:11:09] So I think some of the recommendations coming from MSAC again were about adding some more specificity. So with regard to the non-discrimination clause in section E, subsection 2, there is a recommendation to enhance that language, part of which was to reference the policy that this might be covered under.

[00:11:39] So the suggested update was to say all reassignments and transfers under this policy shall be done in a non-discriminatory manner. LCPS staff, employees, school board members completing or

reviewing reassignments and transfers in a discriminatory manner are not in accordance with this policy or subject to disciplinary action in accordance with policy blank.

[00:12:01] I don't know that all of that language is applicable, but wanted staff comment on that recommendation. So there are two policies, Policy 8030, which is Student Discrimination and Harassment, and Policy 7014, which is Environments Free from Harassment, Discrimination and Abuse.

[00:12:27] So those specific policies would potentially align with this particular comment from MSAC, if that's the number that we're referencing.

[00:12:43] So this is on Line 356, yep. So I would like to ask that we add the policy reference to that section, just to clarify by where that's covered.

[00:13:00] - Okay, sounds good, thank you.

[00:13:33] - So based on this, I'd like to make a motion that we move this forward as an information item for the full school board. - Second that. - Okay, all those in favor, raise your hand and say aye. That'll pass unanimously with all committee members present, Ms. Polifko absent.

[00:13:57] Okay, so our next item is policy 8255, which is a new policy. related to guidelines for protective orders.

[00:14:19] There are a motion to move this forward to the school board as an information item. I mean, and then we'll have discussion. - Madam Chair. - Yes. - So I think this is just an information item. I think this is being brought down to the committee for the first time. So we'll get a chance to review it.

[00:14:35] Then I think we can solicit feedback and then come back next time and discuss any feedback we got and then we can have an action items to move forward. - Okay, so just to clarify, since this is i'm assuming part of the recommended policies in response to the grand jury is that accurate it is not oh it's not okay okay so i was wondering about the timeline okay so can you walk us through this new policy and any things that for us to keep in mind here i sure can um protective orders are something that school administrators deal with all the time and just for clarification

[00:15:12] there's no requirement for a school administration to be notified of a protective order often that notification protective order comes from the individuals that may be involved sometimes it comes from a probation officer with permission of parents that are involved rarely do we get it directly directly from the courts but that can occur there's three types of protective orders that school administrators deal with an emergency protective order preliminary protective order and then just a regular protective order that comes out usually through adjudication or a court finding

[00:15:46] so what we wanted to do since this is something that school administrators will work with and we do not have set policy in place for how to respond that we wanted to put it in policy as the required response for school administrators when they do receive a protective order and what their response yes I will say procedurally right now we are doing this when we are asked what the response is we have administrators determine who needs to be aware of it build what we call a comprehensive student support plan in place for any of the individuals that may be impacted and then just put those

[00:16:22] responses those interventions in place for those students a violation of the protective order isn't a violation of school policy that's referred back to the courts but if a school administrator does put some requirements in and a student does continue to violate those they can discipline the student as a

directive because now they've kind of infringed on the learning environment of the other student that's involved sorry dr fulton um can you explain to us what a protective order just in simple terms and what types and a defiance emergency etc i think that we could have a that

[00:17:00] would be a best place to start before i i'll turn it over to legal counsel and then if you want me to interpret afterwards i'll do it. Thank you Dr. Fulton. So a protective order is a is a civil remedy when there is when there's an act of violence or someone has a reasonable fear of another person within the community and so it usually happens among family members where there is an incident of abuse at the home but it does happen from time to time between students at a

[00:17:34] school usually after a fight one of the students typically the victim files for a protective order and so you can get an emergency protective order and that's in play it actually defines it in the policy but that's straight from code you get a couple days and there's a preliminary protective order that lasts I think a couple weeks and then there's a permanent protective order which is not permanent can go up to two years and so that imposes a requirement on the respondent to comply with the terms of the protective order which usually says you know you have you can't be within 500 feet you can't be at the same place that kind of thing but as a practical matter

[00:18:12] those orders are typically given to school staff so that they can ensure that the terms are being met because the the concern from school staffs or from the school staff's point of view is is that if you have two students and they're supposed to be 500 feet apart you certainly don't want to put them in the same class so if you're aware of the protective order then you can obviously shift things around but that's kind of the basics of what a protective order is it we often see these with as mr. Falcone said is in student altercations with each other where protective order is filed against

[00:18:49] one student we've had him at times where a family member cannot be on campus around that student because there's a protective order issued against them we can also have a student that has a protective order against somebody else who's not in the school system but you are aware of it that this person can't be on campus and not be around as I said there's no requirement that it gets reported or shared with us all the time a lot of times it comes from parents that are concerned or the student that is concerned about what has occurred and so that we can provide that protection in my experiences the courts may say 500 feet but if you have two students in a hallway that are gonna pass each other

[00:19:28] they're going to be closer what we try to focus on and what the school focuses on there's not interaction there's not contact there's no threats made during that time period when you're walking by um you know you're not making any uh any physical contact any oral contact and any visual contact with a student so that you're these are the expectations we put in place and this allows us allows the school then to pull in the parties that need to be notified and this may include cafeteria worker might include a bus driver might include a coach or a sponsor after school then they need to be aware that this protective order is in place with the limited amount of

[00:20:03] information that can be shared as needed thank you i think that's a so just to kind of understand because it's a new policy that's what we're looking at that's what i thought um okay so i guess then two questions come up how many typically in a division why i know it's school by school so may not we may not have a collective numbers perhaps um at so we don't know how many We do not know.

[00:20:30] There's some schools that do a very good job responding right away. Others that will call us and we'll have to walk through probably about 15 of them during the first semester, I would say, where schools

actually contacted me, making sure they were doing what was right by a protective order or how do they work through it. But we don't keep accurate details.

[00:20:47] We hope to have a system where we put our comprehensive student support plans in a case-managing system, and that would help us have a better understanding of how many protective orders are issued. I guess the one genetic question, not in the policies, but we jump from section B, types of protective orders, to the school administration response.

[00:21:07] And I think the one thing that we are trying to get better is how do we acknowledge the receipt of the protective order also? Like, where do we acknowledge that we got the receipt on it? Because the response is out of the fact. - Right now, it's not something we're supposed to be keeping track of in that way.

[00:21:25] It's not something we should be putting in a student information system that a protective order has issued. Um, you know, part of what we do is you, you're putting a response in place based on that, that's supposed to stay with the school administrator when they're aware of the protective order or they receive a copy of it. Um, you know, that does not become part of the student's QM file at this time. No, that's fine. I mean, we don't, I'm not proposing, we have it part of the student record. I'm not proposing that, but somewhere that we have an acknowledgement that we receive that protective order from, from, uh, from the court, et cetera. So that at least there's a,

[00:22:02] because the one more line I saw that it's up to the principal, like if a student is going between two different schools, then it's a principal of the primary when they receive the protective order, it's his or her responsibility to share with the other school.

[00:22:18] I find that pretty challenging. I mean, that seems like that's exactly where things could fall through the cracks. So that's why I'm coming back to the question saying, where do we acknowledge the receipt in a way that's shareable and it's, you know, there's a proper process to acknowledge that we receive that.

[00:22:39] - As a follow-up question to that, so you mentioned that the hope is to be able to use some kind of tracking system. Can you, or to store these, you said to keep track of, what were you referring to? - We, right now, the schools build a comprehensive student support plan in place.

[00:22:56] So that would be a documentation of what supports are being put in place. It was why they were being put in place. And so if an incident would occur later on between the same two students, it would be in referenced already in that student case load. So I think what you're asking and just so you know, we don't get every protective order.

[00:23:15] I mean, I've had students that have had protective orders against people and never let me know about it 'cause we don't have a mandatory court reporting that we have to be aware of it. So I guess that would be a school by school log sheet that they would have to keep track of and what they do.

[00:23:32] And it doesn't go through central office. It doesn't come through the admin building. Sometimes it's a kid bringing a folded note into your office and saying, here's a protective order that I have against somebody or the parent giving you a call and sending over a copy by email. So that would be something we could require a school to log in protective orders when they do occur.

[00:23:50] Is there a reason why that information couldn't be shared with the central admin from the school administration? It's not sent to us. And I guess that's a legal question, but those protective orders that come through the court is not a mandatory court reporting and those items that are listed to us.

[00:24:10] So the only way our office finds out about it usually is when we're getting contacted about what do we do as next steps. And understanding it wouldn't be a comprehensive and complete record because reporting is not mandatory, but if we know about it, having a record that we knew about that centrally would be helpful for ease of reference should there be questions later.

[00:24:36] So I think I agree with the statements. I think it would be beneficial to clarify that the expectation is that records are being kept. And I'd like to ask if we can not only have the school administrators keep a log sheet, but have a mechanism for them to then share the information about the receipt of that with, I'm assuming, your office.

[00:25:01] Mr. Falcone, would you see any legal issues with doing it that way? Thank you, Dr. Fulton. - I actually would, my concern is with, I don't have a concern with using, with doing that with a permanent protective order, but a preliminary protective order or an emergency, especially an emergency protective order, the standard for that is very, very low and those become stale very quickly.

[00:25:26] And so that may be based on, and I used to do protective orders on a pro bono basis. And so I've seen many of these. sometimes these are based on information that are just especially with emergency or preliminary protective orders they're based on information that's just completely false and so it's whereas a protective or a permanent protective order is based on a hearing where there's evidence and so there's there's a little bit of a higher standard there and so we certainly could maintain it i would be a little bit concerned with an epo or a preliminary protective order just

[00:26:02] because uh by the time they they reach central office they're they're already expired i think the only i mean with the preliminary protective order which could be in place for up to 14 days um i mean i this wouldn't be snail mail i'm assuming there would be electronic notification with admin it just seems like if it got past the emergency protective order and there was a Presumably there's some threshold that needs to be crossed in order for a preliminary to be issued.

[00:26:40] And I know you're saying that the bar is low. But again, just in terms of visibility and access, ease of access to information about what we knew and didn't know, I think would be helpful information to have.

[00:27:00] We could put some type of requirement tracking sheet in there. I am a little hesitant about putting something in that's out there as student data that shows because as Mr. Falcone said, you can get a lot of these protective orders and sometimes you get them, you get them the day that they are ending and it is finalized, but the parents want you to know that it did occur.

[00:27:25] So I do agree if we have a permanent protective order, maybe that's something that we need to be aware of because if the student moves schools or elsewhere that we might have to make sure that we're notifying the other school of that information. - Thank you, Chair. So I go back to line 80, which talks about section E, documentation of protective order.

[00:27:47] And in the current, the way the policy is drafted, this is regardless of how the school receives the notice of an EPO, PPO, or PO, the principal should obtain and document information regarding that order and include the following items in the student's educational records.

[00:28:06] So we're already adding, whether it's EPO or PPO, already adding them to the student's educational record which is yeah we're adding it into the folder of the student that as it had the protective order issued we don't necessarily put it in the student who it was might be the alleged offender because we have to wait for that process to determine and as Mr. Falcone said you can get a lot of protective orders that you find out later on we're just two students in an altercation and there's going to be no other adjudication for that fence so in the definition it's the protected for the respondents students i mean

[00:28:45] just to be clear we're reporting this right i think this should be referring to the protected students educational records needs to be clarified that that's so but when you talk about educational records it's not going in the actually going in in their electronic record system or just going in a folder file in school it would be in a student cume file in the school so we'll work on that so One here, Ms. Octavia, I think, you know, again, we don't need to make anything, but I guess one observation I have is that,

[00:29:24] which goes back to my earlier point, that the documentation is almost a receipt of the protective order. It should come before C in terms of how you respond to it. So just to order things in a flow of it.

[00:29:40] So there's a definition of the orders, there's a receipt of the order, and then the subsequent response and so on and so forth that goes with it. So that's just a quick structural. So you're saying move section E to C? Yes. And then make C, D?

[00:29:56] Correct. But I guess, yeah, like I said, I mean, I think we'll work on it. Because it does say the date of receipt of the protective order. So when the principal or the administration staff received it, we can talk about how they track it and manage it to help the principal and the staff versus, you know, make sure that there's a good way.

[00:30:22] We can add something that if a permanent protective order has been issued that there is a way that we were to document that the other challenge and to be clear on this that protective order can be against a family member a community member and somebody else that we are made aware of they're not somebody that should be necessarily impacting the school day all the time that they're just aware that they're not going to be picking up or on a student I mean I mean that's exactly I guess so if if the student has a protective order and somebody decides to come in through the school building, I mean, I don't think there's a cross-reference done.

[00:31:00] Like, you know, I go to the school building right now. I can show my ID. I can go in and say, well, I mean, mostly I'm dropping off things, I guess, in that case. But at the same time, I'm not so sure there's a way to engage with, you know, this is getting in the weeds of it. I don't mean to get in the weeds of every small detail, but it does, you know, how do you address that too?

[00:31:25] You know, the part, you know, would be clear a protective order has been issued that determines that there should not be contact between them in that role it um and usually there might be a distance um placed on there or or something else and i do understand that if we have a student our person shouldn't be in the school building around that school because of a protective order which we might see as a family member that are in cases of custody that have gone concerned those are usually schools are aware of those and will um do it through their raptor system to do so others that put distance between the students

[00:32:01] doesn't deprive them of a right to having access to their education too and so um if i'm i i was just talking about like a parent or a guardian or somebody that the child has a protective order against so i was talking speaking to that like you know how do you make sure the filter when somebody shows up in the school building and and so on so forth so again i'm getting into the weeds of it but that is entered in a student information system it is entered in there who can pick up who can visit the student who can be there so it does already show up in a student there is a badge or an icon that comes up on a student information system that says this person cannot have contact with the

[00:32:38] student this person cannot pick up the student so that does come and it is entered by the school already and I guess a general broad question so this policy drafting I mean you both are you know pass the principal assistant principal so this policy did it work with the with the principal group or somewhere to get the feedback in in terms of how this is drafted by any chance a lot of this is based on the Virginia model guidelines based on feedback we're getting by administrators that we're saying we should have something written down what those steps are so we look through those model guidelines is what those steps are a lot of this is procedural that we're doing

[00:33:18] right now with school administrators because there's often questions about how I enforce this what do I do with it what are things I put in place so in terms of next steps so this isn't posted on the website yet so what are the next steps for gathering feedback on this particular policy we'll make the flip in the section I have a conferred division council about if we were to put something in for permanent protective orders as way as documenting that and then we would post it for response and feedback from the committees and the time

[00:33:53] it's two week window yes okay great and then the final question is what if a staff member is um a protected party in a um in a protective order and how and where is that covered okay um that is a great question because that usually is that goes through hrtd and dealing up with the vision council i don't believe we have a specific policy for that but it would be handled in the same I mean it would be it would be handled by HRTD once they become aware of it they would

[00:34:31] try to affect the terms of the protective order the same as the same as we're doing with students at the moment you know it's just you have to shift folks around to make sure that you're complying with the order okay great so if you can just if you can let me know when that flip is switched and it's public just so that we can push that out and let folks know that that's available for feedback - And there are no new business items, so we are adjourned.

[00:35:03] - Thank you.

