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Loudoun County School Board, Student Behavior and Accountability Committee Meeting, Monday, November 25, 2024

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Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 1h 48m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/1033479759?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-20. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:00:03] You can't reach my button, there it is. You mean to move it closer? No, Samara can't reach it. Okay. Good evening. Welcome to this meeting of the Student Behavior and Accountability Committee.

[00:00:20] It is now 4.30, and I would like to call this meeting to order. I see that we have one person signed up for public comment, So, let me read the procedures for behavior and public comment at school board meetings, public hearings, and committee meetings.

[00:00:45] Speakers shall maintain the civility, decorum, and respect for the functioning and dignity of the school board at all times. Speakers should be respectful and observe proper decorum in their statements, and shall refrain from vulgarity and obscenities profanity and other like breaches of respect such language may be permitted if the speaker is directly quoting those words from materials used in instruction in LCPS speaker comments the target criticize or attack individual students are not permitted during public meeting speakers should communicate those concerns privately to the school

[00:01:25] principal and or an appropriate school official. Complaints regarding division employees should be directed to the school principal or an appropriate school division official. Members of the public eligible to address the school board include the residents of Loudoun County, including incorporated

towns within, businesses located in whole or in part in Loudoun County, Loudoun County taxpayers, current or former LCPS students, parents and guardians of LCPS students that live outside of the Loudoun County, LCPS employees and retirees, or representatives of organizations

[00:02:04] serving LCPS employees and students. Members of the school board shall not answer questions or respond to comments directly made to the public during the public comment period. These procedures govern comments made by any attendee at school board meetings, whether in person or virtually.

[00:02:26] When reasonable, the chair will warn a speaker of breaches of decorum or of these rules prior to terminating speaking privileges or taking other action to preserve the civility, decorum and orderly conduct of the meeting. Inappropriately loud conversations or outbursts from those in attendance will not be tolerated And the security staff will be asked to restore order.

[00:02:52] With all that said, we have one public speaker tonight, Ms. Hannah Janney. If you'd like to take the podium right there. And you can turn on your microphone by pressing the red button, which I frequently forget to do.

[00:03:10] So don't feel bad. Would that be it? Okay. She said, my name is Hannah Janney, and as the lady chair said, my family was instrumental in bringing the first public school to Loudoun County, and as a result of that, I feel the need to share what's on my heart, and I will do my best to be brief, though there is much of a story to tell.

[00:03:36] I've only been a bus driver for one year. I resigned last week after a number of incidents that happened on my bus. I would say that's the primary reason for leaving. Obviously, there's always something on the side. However, the final straw was after just overcoming a fight between a boy and a girl at two different stops, I learned that there was some type of possible gang-related or at least territorial-related behavior going on.

[00:04:11] They were both expelled off of my bus. I never heard a word again about it. I also spoke to a security guard at Harper Park who informed me that a young man, when I was collecting information for a roundtable meeting, he said, see something, say something.

[00:04:31] A young man was found to have knuckles and a knife on him at Harper Park, and I wondered, was the bus driver informed that she or he carried that student to school armed, And why aren't the people who ride with him and live in his neighborhood not also being searched?

[00:04:52] Because you know very well it is not an isolated incident. Therefore, I took my question to a former Loudoun County Public School graduate who graduated last year and asked, did, and don't give me names, he wouldn't have, did boys in middle school carry knives?

[00:05:11] The answer was, hmm, some. Then I said, how about high schoolers? Yeah. Then I said, did they carry them for self-protection, or was it to start something? And he said, it's not like you talk about it.

[00:05:32] Then after I resigned, I went by one of my stops, the one that was just so tight to my heart, and why I accepted that route, though it was taken away from me. I wanted them to know I had not deserted them. And three of the girls huddled around, and so I decided it was an opportunity to ask, are there gangs in this neighborhood?

[00:05:55] And with that, I got a bit of a nod with the eyes and slight with the chin. And I said, are there names? And there was not acknowledgment of any names of gangs. And then I said, are people carrying knives, weapons?

[00:06:13] And there was a slight movement of the eyes and a nod of the chin. and then she spoke up one of the three girls and said it gets quiet here and this was this is on fort evans and i'm thinking oh okay i apologize um uh she said it gets quiet here and i said well then does it get loud thinking perhaps you know fights or such she says it gets quiet and no one

[00:06:50] goes outside. And that really got my attention. And I said, because they're afraid? And she said, yes. And I felt moved to bring this information to you, knowing that it can't be an isolated situation. However, as we know, there are needs, greater needs in certain areas than others to protect the innocent and that was the probably the saddest part of the bus

[00:07:24] driving though because of the ones that were so innocent and the others made it so horrible for them one boy said to me once on an after-school run I just wanted to say let me off here I'll walk home because of the misbehavior of the children so again I think it's important to note and I mean this and nothing other than cultural differences my own grandson is half Puerto Rican and I speak

[00:07:59] Spanish she doesn't and and he knows nothing of the culture but we have a huge cultural change now and that's what concerns me the most because it's no longer a minority in an area it's a majority and it's the culture is the way of this is how we defend ourselves and that's understandable that's what people know the younger ones not as bad they kick they hit they call each other names they spit they curse but when two of them cursed me behind my back one day and

[00:08:37] was tattled on by the one in front and then that day I was left with a couple of condom packages on the bus for the middle schoolers. I thought I don't remember any of this in my training and I decided the next day to resign. I came to Loudoun County Public Schools because I really felt called to this job and I was in retirement so this is my retirement job and I have loved the people at Central. I have loved the staff there. I have loved the students. I love

[00:09:11] them all even the ones that misbehaved um thank you appreciate it thank you for bringing that to our attention I'm really sorry you had to go through all of that no other speakers seeing as there are none um do we have a copy of the minutes that we need to read here would you like to read

[00:09:47] them for us Dr. Rashid she said well let's take a look at them and if anybody has anything that is not on there that should not be on there or is on there and shouldn't be if it's okay with everybody then we can go ahead and move forward move forward with a motion to approve the minutes as printed I make a motion to approve the minutes

[00:10:22] second second the motion has been approved and seconded all in favor say aye I seeing as there's no opposition the motion passes three to zero and we will move on to action item number 4.01 policy 8230 procedures for student disciplinary appeals to the school board as chairman of this committee I would

[00:10:59] like a motion to amend the current policy that we have for 8230 currently it talks about unappealed expulsion recommendations and it says that the any recommendation for expulsion made by the superintendent or designee must be confirmed or denied by the school board or, and this is what I would like to add, or a committee thereof.

[00:11:33] Therefore, in instances where no appeal is made upon the closure of the appeal period, the Student Behavior and Accountability Committee will consider and make a decision regarding the expulsion recommendation solely on the basis of information provided by the superintendent or designee at a closed meeting. The SBAC's decision to impose an expulsion or a lesser sanction will be voted on in open session and confirmed in writing to the student and the student's parents or guardian. The letter enacting an expulsion or lesser sanction will include the

[00:12:12] information set forth in section D.1 through 4. The SBAC decision is the final decision and will be implemented immediately so essentially what this motion says is that if an appeal doesn't come through from the parent by the time the appeals tenure is done then the SBAC committee alone may make the decision for expulsion rather than send it forward to the full board

[00:12:48] as long as it is every member on the committee that makes that decision. If it is not unanimous, then it must go to the full board. Any other, is there a second for that motion? Could we have some discussion first?

[00:13:06] Yes, after we do the second. Remember, we do the motion, second, and then we can discuss. We're not moving to vote on it at the moment, okay? Is there a second? You're asking for a second to...

[00:13:27] To discuss the motion. Oh, yes, I make a motion to, I second the motion to discuss this amendment? Yeah. Okay. There's a motion on the floor. Is there any discussion? Where is Wes or his representative?

[00:13:45] Where is Wes or his representative? I'm happy to fill that role. Okay. So is there not something in law that talks about the final decision?

[00:14:07] Yes, the Code of Virginia does provide for an unappealed expulsion recommendation to be considered either by the board, the full board, or by a committee thereof.

[00:14:23] So by moving this into a decision that SBAC would make that's consistent with the rest of the policy and that SBAC is making all of the other decisions and it is fully compliant with the Code of Virginia. That was my only question, if it is in compliance with the Code of Virginia.

[00:14:46] Thank you. Thank you for bringing the amendment. So currently, I'm just trying to grapple the difference between what the current protocol is as opposed to what the amended protocol would be, if you can provide a summary of that.

[00:15:08] Yes, I would be happy to. So the current policy doesn't address, doesn't almost contemplate the issue of having an expulsion recommendation that is not appealed. So the policy as currently written is silent on that.

[00:15:26] There were a number of items that were added to the policy as we looked at revising it, where the current policy is silent on some things that perhaps the current policy shouldn't be silent on. This is one of them addressing this whole idea that expulsion could be recommended but not appealed. One more question. Yeah, that's fine. The current vote as to what happens with the student when it comes to expulsion, is that majority or must that also be unanimous as

[00:16:03] the amendment states? So any decision on student discipline that is made by SBAC, whether it's appealed, not appealed in the student's benefit, et cetera, if that decision is not unanimous, then the parent or the student has the ability to appeal a non-unanimous decision to the full board.

[00:16:35] And that would be true whether it was an expulsion decision, a reassignment decision, a long-term suspension decision. If the committee's decision is unanimous then there is no further appeal that's the current that is the current policy yes and that would remain true with this revision there is always the ability to appeal a non-unanimous committee decision to the full board and it goes to the

[00:17:09] board um typically on the written record but the chair of the board has the ability to decide that the board would redo a hearing and currently if well with the amendment the difference if you can highlight that the difference would be or the addition would be that if it's unanimous it would not go to the full board and there would be no chance of appeal um that is that's always been true so that's not a change as I understand um the amendment what the amendment would do

[00:17:46] is it would keep the unappealed expulsion recommendation, the decision on that at the SBAC level. If SBAC unanimously decided to expel, then that decision would not be appealable.

[00:18:03] If SBAC decided two to one to expel, then the student and the family would have the ability to appeal to the full board. Keeping in mind that what this situation envisions is a student and family who have not appealed the expulsion recommendation at all. So when expulsion is recommended because the superintendent, we represent the superintendent, we don't have because the superintendent doesn't have the authority to expel. Only the school board has

[00:18:37] the authority to expel. So when expulsion is recommended, which is very rare, but when expulsion is recommended, the school board has to make a decision on that expulsion, whether it is appealed or not. If it's appealed, just like any appeal, it comes to SBAC. This is related to, in section G, an unappealed recommendation for expulsion, where expulsion has been recommended and the parent

[00:19:10] hasn't responded at all, hasn't appealed for whatever reason, the school board still has to close the loop on that expulsion. And this makes it more defined, you said? You said it was more clear? So what Ms. LaBelle's amendment would do is it would say that decision to close the loop would be made by SBAC, as opposed to going to the full board at the very beginning.

[00:19:37] Thank you for that clarification Having it completed it's back means that as long as it was unappealed as long as we all agree that the Expulsion is warranted then it just takes it away from having to take up time of the full board who has a lot of other things to do But if you know it's non if it's not Unanimous then yes, it could go to the full board. Is that correct? Yes, that's correct Okay. Do you have anything else you'd like to say, Dr. D?

[00:20:17] No. No further discussion. I'd like to put this motion on the floor for a vote to amend the Section G that we just talked about, about leaving the decision to SBAC when it's an unappealed expulsion.

[00:20:42] All in favor, say aye. Aye. Opposed? Seeing that it's no opposition, it's passed. What did I say wrong? I'm sorry.

[00:20:59] Could you repeat that? Did I miss something? Well, you had your original motion. You made your motion. Dr. Rasheed seconded the motion to discuss. Okay. So now we have to go back and move to pass.

[00:21:16] Okay. Not a problem. I thought we had two already. Chair, if I may. Can we still talk about other topics on this policy? Other than your amendment? Yeah. Okay. There was some, on board docs, there was some discussion or some comments from SEAC and MSAC.

[00:21:37] And with the red line copy, is the red line copy incorporating their suggestions or any of their, I believe, clarifications that they're kind of asking? So the red line copy that's currently posted, and that went before the full board, was the version that included no amendments.

[00:22:00] It didn't include the amendment that Ms. LaBelle has just made, and it didn't include any amendment as a result of the recommendations made by SEAC. So, my understanding is we're back here to re-discuss and to look specifically at CX recommendations to see if you want to make amendments related to any of those, but it's also an opportunity to make any other amendments since you're opening the policy back up, so to speak.

[00:22:37] Okay, but before we move on to the CX ones, I just want to make sure we're not confused. Related to Ms. LaBelle's amendment that we discussed on unappealed expulsion recommendations.

[00:22:55] So my understanding is we've made the motion. The motion's been seconded by Dr. Rasheed, and there's been a vote, three to nothing. Are we good? I think we made the motion to discuss it. Now we need to make the motion on that change.

[00:23:13] Okay. Okay, then we can move on, as I understand it, to SEAC and MSAC's discussion. that this is separate from what's already in there. Yes. Okay, and then we can go one by one if we need to on any changes we need to make there.

[00:23:32] Okay, so back to our original motion regarding unappealed expulsion recommendations. All in favor of making the changes that we have discussed here today. Say aye. Aye. Aye. Opposed? With no opposition, this amendment will be added to the policy 8230.

[00:23:54] and now we can go on and discuss other changes or amendments to the red line copy if we could bring that up on the board that would be wonderful or their requests and i and i will say that the night after this happened the next day i spoke with liz crotty and we went through it one by one and we talked about why we wanted to do things why we didn't want to do things and she was pretty

[00:24:29] much on board, and said that what SEAC wanted was kind of on board, for the most part, with MSAC. So this should not be very disputatious, I think, at this point. So any discussion on the recommendations?

[00:24:48] Do you want to start with that? May I share? One of the things that I have questioned in the appeals is MSAC's question of, is it a Formal letter, an email notification, or A and B.

[00:25:10] And even if it's A and B, what about those families who might be displaced? I think one of the things that we had talked about is that currently we do send both snail mail and email, and we could send a text message if that would be something that we want to ask, as well as our formal letter.

[00:25:38] Text message, may I? Yeah. text messages are in the same category as emails they may not have the the internet connection to receive either a email or a text message and I'm thinking about those families who might be displaced in terms of homelessness in terms of living with a relative in terms of whatever

[00:26:05] Is there or can there be an additional reach out from the school or from someone such that we know that the parents actually received the communication?

[00:26:24] Well, go ahead, Ms. Scanlon. So, of course, we're talking about the confirmation letter that would be sent confirming SBAC's hearing. and we're also talking about SBAC's decision letter, and this is on

appeal, okay? So by the time any case gets to SBAC, there's already a hearing that has been done at our level with a letter that was sent to the family, both by email, if they have an email address, and by U.S. mail.

[00:27:02] So by virtue of the fact that they appealed to SBAC, that's indicative of the fact that they received our letter either by snail mail or by U.S. mail or that's the same by email or snail mail U.S. mail because they've received it and they've appealed it that said occasionally during the process a parent will let us know as you said they may become displaced they may just have moved and we're in the process of moving when the student violated the code of conduct and they will tell

[00:27:36] us on occasion, we actually have a different address. So the way that we handle that is we always check in Phoenix because we're supposed to be sending letters only to what's in Phoenix, right? Where a parent is telling us there's been a change of address, we receive that address.

[00:27:56] We send the letter to the address given, but we let them know that they do have to go either online or to the school to update that address. So we do have processes in place to make sure that those changes to addresses are made. There's a person at the school level that reaches out to

[00:28:28] a child during the 10-day suspension. Is there a person that reaches out once the suspension becomes more permanent or more extended? Yes. So what happens when we receive a referral from the school is Ms. Gettleman, who's typically here with us. She is the one who is going to schedule our hearing to begin with. She will reach out to the parent. She will email them initially with the date and the time for our hearing, and she will say, please confirm that you're available.

[00:29:06] Typically, families respond to that email and says, yes, we're available. We'll be there. If Ms. Gettleman does not hear from them, then she calls. She'll make a phone call to say, just want to make sure that you receive notice of the hearing. And then, of course, there's also the letter that's been sent in the mail. Likewise, Ms. Gettleman is the person who would schedule an SBAC hearing. So she is in touch with the parent throughout that process because they've reached out to us to let us know that they're appealing. Ms. Gettleman will let them know,

[00:29:42] we've received your appeal. We're working on getting that hearing scheduled. And so there's communication throughout the process, sometimes by phone, sometimes by email, sometimes both. And then ultimately, when the hearing is actually scheduled, that formal letter giving notice of your hearing will go out both by email with another letter that goes in the U.S. mail.

[00:30:06] They are also emailed a copy of the discipline packet, and we make a paper copy for them that is available for pickup so as i said there have been multiple um multiple outreach from our process all the way up through your process piggybacking off what you had just said is there um i was just trying to find because i think one of the concerns is if that could be and it's great that you

[00:30:43] clarified that verbally but is there a way that could be clarified within the policy is some way shape or form to have what you just said in a concise way be placed in that policy? I did read something, but it wasn't as detailed, obviously, as what you said.

[00:31:03] Yes, and I believe that that's one of the recommendations that SEAC made on page 3, recommendation 1B, and they're combining actually a couple of concepts in that recommendation, One concept being that the notice of the hearing in front of SBAC should be provided at least five days in advance.

[00:31:28] That's typically our process. There's nothing currently in our policy that would say you have to give the notice at least five days in advance. Business days in this case, although typically we meet it. That's not a requirement.

[00:31:44] That's something you can consider if you want to require. but then they go on to suggest that that notice be provided by phone or voicemail, email, and by certified mail. Now, I would offer a few things for you to consider as you contemplate whether you want to incorporate all, some, or none of that.

[00:32:10] One consideration is that our office only has one administrative assistant who does a lot of different things, which is why she will start with the email and the U.S. mail, and then if she doesn't get that confirmation so she knows they've received the email, then she will call to ask her to make all those phone calls proactively in addition to what she's already doing with the emails and the U.S. mail.

[00:32:42] If she has to do it, she has to do it. But that would be my only concern is by adding the requirement for the phone call. The other consideration I think you should give some thought to is the issue of certified mail instead of U.S. mail. U.S. mail, first of all, has a legal presumption of delivery.

[00:33:06] Certified mail, I can only speak to my own experience with certified mail. I'm never home when it comes because I'm at work. And if I'm not home when it comes, I get the little notice that I have to go to the post office when the post office is open, wait in line to get the letter. For me, that means I have to wait until Saturday. And it also means my daughter better not have pottery that day or I'm not going to get there. So my concern with certified mail is that I think when we think of certified mail, we think, well, this makes it more likely they'll receive it. I don't think practically that's the case. I think what that

[00:33:45] does is it makes it difficult for some families to actually receive it because the onus may then be on them to get to the post office. If I may, Chair. Thank you for that clarification. I think that's reassuring what you had mentioned.

[00:34:04] And also, what is the current protocol if, let's say, some time has passed and you just haven't heard from the family or anything on behalf of the student, what do we do currently if you can highlight that? Like if you just hear back and there's silence.

[00:34:22] So if we don't hear back related to scheduling the hearing, or we send out our decision and we don't hear back? After your written notice has been provided in any form. Okay. So if we have a hearing scheduled, whether it's a hearing before us or a hearing before you, that notice goes out by email.

[00:34:41] It's also dropped in the U.S. mail. If we don't hear back from the parent confirming that, yes, in fact, they've received it and they will be attending the hearing as scheduled, then Ms. Gettleman will call. She'll make multiple attempts to call, leave voicemail.

[00:35:00] I would say she's doing that easily two days in advance of the hearing. If we write a decision letter and the parent doesn't respond, that's typical because that means that the parent isn't appealing. If they are not appealing, then they don't have to respond unless they have questions. Sometimes they will call. Sometimes they will email us with a few questions and we'll correspond back and forth. But when our letters go out, we provide a timeline for whatever is supposed to happen next. So if a student is being permitted to return to school, we provide the date

[00:35:39] that the child can go back. If the student is being reassigned to a different school or one of our programs, one of our alternative programs, then we will say in our letter that while the reassignment is

effective immediately, we provide a grace period for a general education student. We give a five-day grace period to enable the transition to occur from one school to the next. If it's a student with an IEP, because we recognize the IEP team is likely going to have to convene. We give it a 10-day grace period for that transition to occur. And language barriers,

[00:36:17] I understand there's a lot of students, families with many, many different languages. Is there accommodation for that? I assumed yes, but I wanted to confirm with you. Yes. We do provide interpretation at our hearings. We provide interpretation in all of our phone calls. We use the language line for phone calls. For hearings, most of the time we have an in-person interpreter on occasion that's not possible maybe because of the language that's being used in which case we can use the language line again with like video projection during the hearing to provide for

[00:36:53] those needs and then the letters are translated the letter goes out typically the letter goes out first in English and then a day or two later as soon as we receive the translation that goes out as well. Is that the notice you're talking about as MSAC refers to in terms of that's your first contact? Is that also translated so they don't miss the date or miss what they have to follow up on? Yes, that's also translated. Also in a notice letter, when Ms. Gettleman sends the email that attaches the notice letter, because sometimes, you know, people are busy. They don't

[00:37:32] always read the email thoroughly. They might not open all the attachments. So she will put the most important part she'll repeat it in the body of the email which is the hearing will be on this date and time and location and she will have that translated um so it's in both english and spanish is or spanish if the language is spanish so that when they open the email they see the most important part in their own language yes msac uh had a inquiry related to lines 102 to 104 if we can

[00:38:12] take a look at that. Do you know if it's 102 of the clean copy or 102 of the policy 8230, 102 of the red copy.

[00:38:40] I think it's what they were referencing. It says written statements at the chair's discretion.

[00:39:02] We may accept written witness statements in lieu of personal testimony. Should that be, MSAC is asking, should that be at the chair's discretion or the committee's discretion? That's completely up to you.

[00:39:21] It depends. I suppose what you need to think through is you're in the middle of a hearing, right? So we're at the hearing, the school and the superintendent's representatives, the family. And if the family, or I suppose the school, wants to submit statements, how do you want to manage that?

[00:39:42] Do you want the chair, typically Ms. LaBelle, to make the decision, or do you want to vote on whether or not to receive it? You could do either. I think we all, I'm sorry, I think we all should receive it because of the lens through which we are reading it.

[00:40:03] No, you would all receive it. You would all receive the statements. This is referring to the decision about whether you want to receive items in the middle of a hearing.

[00:40:20] If I may, I notice also on the SEAC recommendations, they were concerned that people would not be able to present their side of their case. And I think, and I spoke, as I said with Ms. Crotty, that we always say at the beginning of all of these appeals, that if you would like to present additional information to the packet you've already sent us, would you mind presenting it?

[00:40:56] You may present it now. And we never not take anything they want to say. I think, and we all know that a lot of these packets are over 100 pages long, and we have spent due diligence reading them, and I think that what we're doing here is saying, okay, you've given us everything you can both you and the school system we've looked at everything but is there anything else that's happened that you want us to know that you haven't told us about

[00:41:29] yet to cut back on going back through everything in these packets again because we're already there for over an hour and I think that's what people don't understand when they look at these recommendations we always offer that maybe we need to put that in there that time is always given to add additional statements that have not yet been presented to the committee and that goes for the same thing if we want to accept something that let's say a person was going to be here to

[00:42:06] speak but then his mother or brother or whoever in their family had a stroke and they had to go to the hospital they can't be there we always look at that kind of extenuating circumstances and would be amenable as a group to accept that written statement but it doesn't say that i think that's people don't understand how we operate and i think that's a part of the problem i think that we need to and i've said it before be more transparent explaining how these procedures

[00:42:44] how these appeal procedures follow through because we do always say that am i mistaken in saying that and that would be offered to the members of the committee as well as to the administration as a question my response to that question is that it should never be one person's decision or discretion as to whether or not we do or do not accept additional information uh if we all are sitting here, and even if there's a substitute, it should be the full committee's response rather than an individual's response.

[00:43:27] That's my response to your question. I see the point that Dr. Deans is saying, and I echo it. So that becomes a discussion between us in front of everybody as to whether we will accept that or not, and that's something that we need to think about before we make a decision.

[00:43:52] Do you have anything you'd like to add, Ms. Scanlon? Well, what we could do, if you wish, is we could project the copy that we're trying to capture any changes you wish to make on a copy in a redlined form.

[00:44:08] We could do a search for the word chair and see all the places where we have said that something is at the discretion of the SBAC chair. We could look at them individually. And then you could, should you choose to amend the policy, say for every single time something happens at the chair's discretion, you want to change it to SBAC's discretion as opposed to the SBAC chair discretion, or you could decide perhaps that in some occasions you want the chair to make a decision and other occasions you want the entire committee to.

[00:44:47] Would you like to go through them one at a time? I think it was, I think it's more suggested that it's more about the testimony. I think it was as it was written when it came to written statements and testimony.

[00:45:05] It wasn't really the whole thing, the whole policy. It's just a little bit more specific. Right. So SEAC's suggestions were more surgical. But what I thought I understood Dr. Dean's concern was that you're all there. It should be a committee decision.

[00:45:22] So there are times that the policy says at the discretion of the chair that go beyond SEAC's recommendations. So I don't know if you want to just stick to the ones that SEAC has referenced or if you

want to look at them all. I hope we're also looking at MSAC's comments because that's where I got that from.

[00:45:44] MSAC says that they do not accept at the chair's discretion. Okay, so we can, I wasn't cross-referencing MSACs because we did review their comments the last time we reviewed, but I can pull those ones as well.

[00:46:03] No, 102, in lines 102 to 104, that's the only place that they reference the fact that it should be the whole committee. Even sometimes from the school's perspective, there might be a SRO that can't come, so there might be a written statement.

[00:46:29] i think that we should be open to written statements contingent upon the circumstances yes and the policy does provide for you to accept evidence including witness statements in written form at the hearing that's in the policy already i think the question is do you want the decision about whether or not to accept it to be at the discretion of the chair do you want it to be at

[00:47:00] the discretion of the committee yes and do you want every decision that's currently says at the discretion of the chair to be replaced with at the discretion of the committee yes okay okay so i don't know if everyone else agrees but i do because i think that it's there are different lenses here even on this committee in terms of i don't have no kids and and and uh dr recede has kids. I mean, I just think that it would be more inclusive and transparent to have a committed

[00:47:40] decision, not one person's decision. Okay. So why don't we just go through. There's only four times that the word chair appears. Okay. So we have on line 51, and I'm looking at the clean copy, line 51, it says that one SBAC member will serve as the chair. Okay.

[00:48:02] So that wouldn't change because we do need one person to serve as the chair. Then if we skip down to line 63, this is the issue with documentary evidence. It currently says any documentary evidence not referenced or included as part of the appeal packet may be offered at the discretion of the chair.

[00:48:25] What line was that you just said? This is starting on line 63. 63, okay. And I'm also projecting. So what I'm hearing is, and this ultimately would become an amendment, right, a motion, is we would change the chair to SBAC. So at the discretion of SBAC. Then if we skip down to B, testimony, and this is where it's talking about the number of character witnesses

[00:48:55] um, that, that you may hear at a hearing starting on line 68. However, the SBAC chair may limit the number of character witnesses if their testimony is cumulative. I'm assuming we want to change that Dr. Deans, um, to however SBAC may limit. Yes. Okay. Then the next time that that's going to

[00:49:25] appear is the very next one, written statement, at the chair's discretion would become at SBAC's discretion. At SBAC's discretion, written witness statements may be accepted in lieu of personal

[00:49:53] testimony the next time the chair shows up is it until line 142 and this is in reference by the time we get to 142 we're talking about an appeal on the written record typically of a non-unanimous SBAC decision and so this leaves it to the school board's chair to determine if the appeal will be on the written record or if the full board should do an entire hearing.

[00:50:31] But that one, I'm assuming we're going to leave B. Yeah, leave that because it's already gone through this committee. Yes. So do you wish to continue to discuss, to make a motion on that, those changes?

[00:50:48] Are those the only changes? Are there more, like, later on? Those are, there were only five times the word chair appeared. One is there are only two left. One is that there will be a chair of SBAC at these hearings, and the other is in the event of an unappealed or an appeal of a non-unanimous decision, then the chair of the full board will decide if that appeal would be considered on the written record or in a hearing.

[00:51:14] I move that we, as outlined in our aforementioned conversation, that any, that all of the areas where it says at the discretion of the chair, we would change it to say at the discretion of the SBAC committee, SBAC committee.

[00:51:45] Is that clear enough? I second what she said. There is a motion on the floor to change several of the statements about the discretion of the chair to the discretion of the SBAC committee in this policy.

[00:52:17] All in favor, say aye. Aye. All opposed. With no opposition, this amendment passes. The changes will be made. There are several other concerns from SEAC.

[00:52:38] It is concerned that they want to delete lines 112 through 114. It doesn't say.

[00:52:55] It has to do with the facts and findings surrounding any past disciplinary sanction will not be a subject of inquiry at the hearing. Is that the clean copy?

[00:53:10] Yes, clean copy. Okay. Line 114. Line 112 to 114. And that's of the redlined version? Clean copy.

[00:53:33] Their reasoning is that it is unfair to the students if the school's going to raise prior sanction to the SBAC, then the student should have an equal opportunity to address that past sanction and put it into contact.

[00:53:49] For example, if the sanction was due to a behavior that was manifestation of the student's disability, but because the sanction was not a removal of more than 10 days, No manifestation determination review hearing was held, meaning that the student had no opportunity to get into the record presenting to the SBAC that the behavior was a manifestation of the student's disability.

[00:54:13] So they would like us not to include past disciplinary sanctions.

[00:54:28] So the sentence that they would like us to delete, Mr. Daniel, have you found it for However, the facts and findings surrounding any past disciplinary sanction will not be a subject of inquiry at the hearing.

[00:54:50] The sentence preceding it makes very clear that the student record, the student's attendance, academic performance, and the fact of and reasons for any past disciplinary sanction may be presented to SBAC.

[00:55:05] So the way I read their recommendation is they understand that the record will be presented to SBAC. What they're taking issue with is the next sentence, which says that that discipline sanction isn't a subject of inquiry for the hearing in front of you.

[00:55:24] So the intent behind that was, as you know, as a committee when you're in a discipline hearing, you are there to determine whether the incident in front of you occurred, whether the evidence showed that it occurred, due process was provided, there is authority to actually implement the sanction that's been taken at our level, and you spend a lot of time talking about that incident.

[00:55:57] That is the bulk of your hearing. There may be, during the hearing, a reference to the student's prior discipline record, because sometimes that's relevant. In saying that that prior record, prior suspensions, prior assaults, prior incidents that have occurred in the past, in saying that it won't be a subject of inquiry, what that means is you're not there to decide if it's true, if it's false, if it happened, if it didn't.

[00:56:28] because there are processes to do that. So, for example, if a student has prior suspensions, there is a process for appealing those prior suspensions. If the family or the student believes that the discipline record is inaccurate or misleading, there is a process for getting that discipline record amended or expunged.

[00:56:51] So, again, the intent of that line is simply so that you don't get bogged down in your hearing hearing about arguments as to why what's on the record is untrue unclear didn't happen etc that you would be able to say that's not why we're here we're here to discuss the incident in front of us and what's on the record to the extent that it is inaccurate there is a process for having that resolved so that's the intent of the sentence um it's quite clear that that SIAC thinks that that's

[00:57:30] um so it's for you to decide if you want it to stay or if you want it to go yeah speak i want it to stay as it is now um because we are dealing with this situation here and now but in the minds

[00:57:54] of men women it it cannot be removed it cannot that previous record cannot be undone and so i i think it needs to stay um i i think that i think it needs to stay because um um um you know even the students rights and responsibilities handbook say on the first time you do this on the second

[00:58:29] time we do that on the third time we do that so it's not like we are acting on that first second time but if he's done the same thing the third time we should not have to erase what he did the first and second time i'm saying it's not unfair that's what i'm saying i have to agree with dr deans these are issues that were settled in the past at their schools appeals whatever else was decided is done and over with by the time they get to us we're dealing with the appeal for the

[00:59:06] behavior that brought them there not what they did back in second third grade or whatever it's already been dealt with and I think that we need to look so it needs to stay there so we're aware of it but we're not using it to make our decision uh at that particular time on that particular student's actions so I think it needs to stay thank you for that clarification Ms. Scanlon um when I first read it I didn't see it as a separate entity I saw it that it was subsequent to

[00:59:41] subsequent to subsequent but you had clarified that it is it's the opposite of what I was of what i was thinking i just want to make sure and if you can correct me that would be great um that if it's a behavioral problem on the part of a student that that is their um let's say for example an iep or something anything that is related to a behavioral problem specifically i just don't want that student to be penalized um from something that was not intentionally

[01:00:17] done, intentionally done to whatever the situation deems at the time. I just don't want them to be penalized for that because, and again, maybe I'm reading this wrong. I just want to make sure that there's clarification that they're not being penalized based on a behavioral issue that they don't have a control over. I don't know if that makes sense. I think that perhaps what you're talking about is a student with a disability where they're engaging in behaviors that could

[01:00:52] be considered or maybe would be deemed manifestations of their disabilities. Is that what? So I will say this, that under IDEA, IDEA does state that students with disabilities, regardless of their disabilities, can be disciplined in the same manner as students without disabilities up to a total of 10 cumulative days of out-of-school suspension. So you could conceivably have a student who is

[01:01:28] suspended, and it is on the record, in a short-term suspension that doesn't hit 10 cumulative days of suspension. Those students can be disciplined under the law and under our policies. Where the MDR must be done under the law is certainly anything that comes before you, because those are incidents just by virtue of the fact that they're in front of you, where it's implicating a suspension of more than 10 days or a unilateral decision to change the student's assignment

[01:02:04] or an expulsion. And those things can't be done without an MDR and an MDR that shows there is not a manifestation. The behavior at issue on that day was not a manifestation of the disability. But I can't say that when you look at the breadth of the discipline record, it's not for a disabled child, that none of those suspensions, I would think in some cases, yes, there are going to be suspensions on the record.

[01:02:31] As long as it wasn't a suspension that hit that 10-day threshold, then there would be no MDR, typically. Thank you for that clarification. Again, I just, my worry is just, like I said, so students that just can't help themselves, and there's no intention of having any type of violence, for example, And that one particular incident, I don't want them to be held accountable for, I don't know, scenario B.

[01:03:01] And meanwhile, they're being disciplined because of scenario A and scenario C and all the other times. I just don't want them to be held accountable for that because there was no intention of hurting anyone. It's just a behavioral issue that they cannot help. Well, I think that's also a training issue.

[01:03:19] And we do train and we take phone calls all day from schools where they're not sure what they have. and they're just they just want to talk it through and we do talk about whether it's a young child or a child with a disability especially when you're talking about an assault you mentioned an act of violence and assault that there is a component of intent so if I had epilepsy and I had a severe seizure and in the course of my seizure I happened to strike you well that's not assault right that's incidental contact and so we will have those conversations um we had a young

[01:03:56] child um who like a second grader um was using a like a instrument what did she think it was a stylus she thought it was a stylus she was tapping her screen with it and the teacher walked by and recognized that it looked kind of funny and it was some kind of vape that the student had found at home, but she was so young, she didn't understand that it was a vape. And she literally thought it was a stylus. So in that case, of course, that child did not intentionally break

[01:04:31] the rules. So we talk schools through that a lot, this idea of intent. But you can have a significantly disabled child who can form intent and assault someone. And as long as they don't hit the 10-day threshold those students can be suspended and the school wouldn't be required to

[01:04:55] do an mdr any other questions dr dean i just want to point out um that we need to look at the the review by both msac and siac not just siac that's my point there's several things that are on both of them like the dates and whether you're sending by mail and um things like that they're both on

[01:05:32] there and so I've got both of them spread out here in front of me there are five pages I'm sorry okay seven pages no six pages of SEAC so I know that that's quite a bit yeah um that's why I'm going

through I thought we had finished with the MSEC ones did we go through all of them Okay, there was one more.

[01:05:56] I think maybe we incorporated it as part of an answer or a question before. But for 89 to 91, did we go over that one? Line 89 to 91 about the... Clean copy or red copy? It doesn't say. It's about additional evidence.

[01:06:14] Yeah, we talked about that, that we always say if there's additional evidence that you'd like to present that hasn't been presented in our packet, Do we need to put that in the policy so that they know we looked at it?

[01:06:34] Didn't you do 89 through 91? Didn't you add SBAC there? So what we amended was changing it from the chair's discretion to SBAC's discretion. The policy does already, if we go up, please, Mr. Daniel, to 63.

[01:06:56] Yep. It does already talk about documentary evidence. Any documentary evidence not referenced or included as part of the appeal packet may be offered at the discretion of, um, I put in SBAC.

[01:07:12] I'm going to have to change all of those to the SBAC committee. I will do that. Okay. Um, and then B is testimony, um, that parties and witnesses, both sides can call witnesses and have their witnesses provide testimony. It already references there that each side has the ability to cross-examine the other side's witnesses. C, written statements at the SBAC committee's discretion. Written witness statements may be accepted in lieu of personal testimony. So, yes, I guess we've covered it all

[01:07:47] then. And if I look, we've done recommendation five from SEAC. Recommendation six has to do about with the testimonies and cross-examinations and summations are completed, SBAC will deliberate.

[01:08:09] They feel that the way we have it worded is just confused, so they just wanted to correct us, I guess, grammatically for clarity. If everyone would take a quick look at that, that would be, and they put both statements there, the way it is written now and the way they'd like to clarify it.

[01:08:34] If you'll take a look at that and see if we can concern 6, page 5.

[01:08:55] Dr. Rasheed, go on page 5. Uh-huh, uh-huh. Okay, okay.

[01:09:11] Any thoughts? It doesn't change the meaning, I agree. I think we can go along with that then? Yes. Okay, thank you.

[01:09:29] Concern 7 is... Just again, because we don't want to get confused, do you want to make a motion to accept C-Act's recommendation? I guess it's recommendation 6, as they suggested it.

[01:09:48] And then we can fill in the commentary after the meeting. Is there a motion to accept CX recommendation for Concern 6 to clarify the verbiage in the policy?

[01:10:04] So moved. Second. Second. Being moved and seconded, all in favor say aye. Aye. No aye for you. Aye. Aye.

[01:10:20] Sorry. So, the motion is three to zero, and so we will go ahead and take that recommendation as stated in their document. Their seventh concern is about the school board's attorney being participating in our meetings, in our deliberations.

[01:10:43] They are concerned that he might be offering ideas as opposed to just keeping us looking the legal questions that we might have about our deliberations and since we do that mostly in closed session that's I'm sure that's why they're concerned so they would like to add at line 132 the word deliberations and add solely to answer legal questions the school board's attorney will not otherwise

[01:11:18] participate in deliberations so how do you feel about that one any thoughts attorney Line 132 In the red line copy Yeah, I know this red line and clean drives me crazy. What can we say?

[01:11:53] 89 you said oh on the clean version. Yeah There we go Only the school board's attorney may remain present during deliberations They want to make sure that he's not adding his two cents to our deliberations just if we're stepping over or have a legal question, can we do this, yes or no.

[01:12:30] So they want to make sure that it's just our decision, which we already know that's all he does anyway.

[01:12:49] But they want that reason. It's very clear that he remains present. I'm sorry. It states he's present. It didn't say he participates. It simply says he's present. So what do we?

[01:13:08] Present to answer legal questions. I mean, if we put that in there, that makes it clear that's why he's there. Present, only to answer, during deliberations, only to answer legal questions from the committee.

[01:13:25] How does that work for you? What they said is, yeah, likewise. I think, I feel like it's just more, it was assumed, but now it's more like black and white. It's actually in black and white, yeah. It's assumed, but yes. So is there a motion to add that to the policy, the changes that they want?

[01:13:46] So moved to add solely to answer legal questions. Isn't that what? Number seven, recommendation? It was recommendation seven.

[01:14:04] Recommendation number seven. So then as I look at their recommendation, I think probably, well, I would strike the word only at the beginning of the question because I think it doesn't read well otherwise.

[01:14:22] otherwise? So that it would say the school board's attorney may remain present during deliberations solely to answer legal questions. And then did you want to include the next sentence as well? The school board's attorney will not, sorry about the squeak, will not otherwise participate in the deliberations? I don't think that's necessary. If we say he's solely there to answer legal questions, the other part becomes moot.

[01:14:58] I think it gets a little redundant, you know, wordy. Yeah, verbose. So we just want the part, the school board's attorney, will remain solely to answer legal questions.

[01:15:14] And you can put from the committee if you want to, but what do you think of that? So moved. Second. Seconded. Did we forget that again?

[01:15:30] I see you frowning at me. So there's a motion on the floor to add the phrase at line 32 that the school board's attorney will be present during deliberations solely to answer legal questions from the committee.

[01:15:50] So I heard you say the school board's attorney will, instead of may, will. Okay. Do you want to say will or may? He may not be there.

[01:16:06] It's up to you. I heard you say will, so that's why I was typing it in. I think that, I mean, if the school board attorney is present, then they will remain. And I believe there will always be one of the school board attorneys present.

[01:16:25] Right. Okay. I can't envision a situation where there wouldn't be. Then will should be the word we use. Okay. Does that look to be how you would like it?

[01:16:44] Is that okay with you? Mm-hmm. Yeah. You want to say aye? Okay. So now that we have it in print, all those in favor say aye. Aye. Opposed? Seeing no opposition, we will make this change in the document, in the policy.

[01:17:04] Okay, now let's move on to the last page of SEAC recommendations. They want to be able to have a continuance of the hearing date if good cause is shown.

[01:17:23] And recommendation 8 says on lines 140, again I'm hoping it's the clean copy, I'm not positive, The failure of the student and/or the parent or guardians and their respective representative to attend a scheduled meeting will not prevent SBAC from considering the sanction and making a decision.

[01:17:48] That's what we have in the policy. What they'd like added is, however, at least one day prior to the hearing date, the party requesting the hearing may request a continuance of the hearing date at the discretion of the SBAC with good cause shown.

[01:18:05] In other words, as I said, if there's a death in the family the day before, a car accident or whatever, that's kind of what they have in mind. Have I made it, Chair? Go for it. Yes. I agree with this recommendation. I think it's very helpful and it keeps it up-to-date.

[01:18:23] Dr. Dean, anything? Okay. Okay. Is there a motion on the floor to accept this recommendation? Oh. Sorry. So, I think you may wish to consider where this might be a situation where the SBAC Chair would make the decision because we're talking about a day before the hearing a decision has to be made it's not during the hearing where you all are together so if the committee has to make the

[01:18:57] decision then at some point that day you all are going to have to somehow some way confer to decide whether or not to grant that continuance but we ain't supposed to refer we ain't supposed to confer that's the problem that's and that's why this might be an exception um where you may wish for the chair of that committee to make the decision um otherwise i don't know how that decision gets made and i don't know how it gets made expeditiously within one day of the hearing and communicated to

[01:19:33] everybody who would need to know and so if the chair makes that decision might your office um run down Dr. Rasheed and me. Well, certainly.

[01:19:50] To let you know. Certainly we let you know not to come in the next day. But then again, you will be rescheduling, you and Mrs. Gettleman will start the rescheduling process with us all over again. Yes. So, and this happens sometimes where we do have a request for a continuance.

[01:20:12] It's not my hearing, right? It's your hearing. So in those occasions where that occurs, and it usually is a last-minute request, we forward that to Ms. LaBelle and say, do you want to grant this request or not? And of course, a reminder of keeping in mind the statutory requirement to issue a decision within 30 days of receipt.

[01:20:35] Ms. LaBelle lets us know if she wants to grant the request or not. If the answer is no, we're not going to grant the request, then we don't tell you because you're still coming. There's no rescheduling. But

if Ms. LaBelle were to say, well, yes, I think this is good cause, let's grant a continuance of up to X number of days, then we would work on the reschedule.

[01:20:56] We'd have to issue, we'd let all of you know, don't come tomorrow. We're working on rescheduling. Now, a question I would have on that, because I know we have to have a lot of back and forth to make sure that we've got everyone on the same page so they can come to the appeal.

[01:21:14] That takes a lot of time. And we may be, by the time we find a date, find a room, make sure everybody can come, the time they can come, and get it all together, that that might bring us perilously close to the end of the 30-day period.

[01:21:30] Now, if the parent is making the request and that we would end up running over the 30 days in the attempt to do that, is that okay as long as it was at the parent's request? I thought I asked Wes about it, and what I believe he said was that, you know, that would be something that we could do, but I think we need to check with him before we make that decision, and that, again, would come down to if I'm the one who has to make that final

[01:22:06] decision, and we've checked with Wes, and he said, no, you can't go over the time, then I think my answer would be, no, we have to hold it. If we can find a date or time where we're far enough away from the 30 days, then yes, I would say yes.

[01:22:23] But if we can't, that to me would seem like we can't be in violation of state and federal law. I, may I? Go for it. I even question at least one day. I mean, something could happen on the day of. I mean, if it's a real emergency, it could happen on the day of.

[01:22:42] Absolutely. and that's why I mean that's actually what what this section of the policy is envisioning that the family does not appear and I think that has happened before um where the family doesn't appear um maybe we know why maybe we don't know why but essentially the spirit of that section is the hearing will be held and their non-attendance doesn't mean that the hearing gets cancelled or

[01:23:13] you don't make a decision my understanding is that we may be able to hold off on making a station if we feel that we need further information and if that information is why wasn't the family here then that's a valid reason to hold off making a decision i know we did that once for a student that needed something more and we decided to hold off and this would be another reason why Is that correct?

[01:23:43] So, in those cases, you do issue an interim decision. You are issuing a decision, but it's an interim decision, and that interim decision is issued within the 30-day timeline. So, in that case, in order to get to an interim decision, you have to have the hearing.

[01:24:03] So, what you're, I think, suggesting is the family doesn't come, either we know why or we don't, but to get to the interim decision, we would have to have the hearing with the people present, and then you, as a committee, during your deliberations, may decide that you would like to issue an interim decision pending the ability to hear from the parent and the student.

[01:24:29] How do we feel about that? Would an interim decision restart the count of the 30 days?

[01:24:46] No, right? So interim decisions are typically open-ended, because you do provide in your interim decision for educational services to occur. But again, I think in this section, we're combining two concepts, right?

[01:25:07] So what's written there now, it's envisioning they don't come, and the fact that the hearing will go on, right? And maybe you decide to make an interim decision at the end of that hearing. What SEAC is recommending brings a different concept, right, which is the concept of, but if the family requested a continuance, should that, you know, would that continuance go to the chair for consideration, which in fact is what we already do.

[01:25:41] It's just not written into the policy. That would be a chair's call. I think so. She likes us, so she'll call us. I have your numbers on the speed dial, please. So, what I've written in the sidebar is, correct me if I'm wrong, and I know we don't have a motion yet, but I think where perhaps we're going is taking CX Recommendation 8, but substitute, as the decision maker, the SBAC chair, as opposed to SBAC.

[01:26:17] Is that correct? So, say at the discretion of the SBAC chair, with good cause shown. So, we're adding chair. And we would just need a motion. Anyone want to make that motion?

[01:26:33] I make the motion that we add at the discretion of the SBAC chair. Second. I second. There's a motion on the floor to add the word chair at the discretion of the SBAC chair. On the floor, all in favor, say aye.

[01:26:52] Aye. All opposed? With no opposition, the motion passes 3 to 0. Moving on. Concern 9, we've already dealt with. It was with the e-mail and the regular mail and all the rest of that.

[01:27:10] I don't think we need to do anything further on that, do we? No. Concern 10, that the notification of the decision not include the notification of the right party making the appeal to appeal a non-unanimous decision of XFAC.

[01:27:27] Does all that information go out about appealing the appeal? In other words, if they want to move it from our decision to an appeal to the whole board, that goes out, doesn't it? So that would only go out if it's possible for them to appeal.

[01:27:44] Okay. Right? Because we wouldn't want to confuse them. No. We wouldn't want to include an appeal right when none exists because your decision was unanimous. So SBAC, in my tenure here, which we know is limited, has not yet made a non-unanimous decision.

[01:28:07] So for that reason, in the letters that communicate SBAC's decision, the appeal language isn't included because it would be confusing. In the event that SBAC makes a non-unanimous decision, and this is an important distinction, if you make a non-unanimous decision two to one in the student's favor one holdout is like nope but two of you said no we're going to grant the appeal well then there is no appeal because there's nothing to appeal right because they've they've gotten the result that they desire

[01:28:42] so it's only when it's a two to one decision not in the student's favor that now they have the right to appeal to the full board. It hasn't happened in my time here. That is, in my experience, other places. Quite rare, but it does happen.

[01:28:58] And in the event that that occurs, then we would include the information about the appeal right in the letter. Any other questions? We have a request by SEAC to change our wording regarding the appeals process.

[01:29:21] All in favor of accepting their request, say aye. All opposed, nay, nay, having no confirmation of this right, we will not be adding this recommendation to the policy.

[01:29:48] It's a vote of 0 to 3. Any other work we need to do on policy 8230 this evening?

[01:30:03] Considering we're a half hour past closing time here, is there anything else we need to bring up, or shall we move it forward to the next meeting? It's our meeting, only one hour. Oh, okay.

[01:30:19] Well, typically our meeting is an hour. Yes. This was not a... It's completely up to you, ladies. I know it's been a very long day, but if I could have five or six minutes and present the weapons policy as the info item, because that allows it then to potentially move forward to public comment, and we could get it wrapped up.

[01:30:44] Yes. Very good idea. Thank you. I forgot that part. The back side of the paper. Okay. Probably the clean version. So I will quickly just summarize for you our process in revising, let's see, the weapons policy which is policy 8235.

[01:31:15] We recognize this is a very important policy because weapons in the presence of our schools is certainly a significant issue. So our approach was very collaborative with this policy and we maintained at all times wanting to balance safety, absolutely safety being the number one priority, with expanding some discretion, not all discretion, but some discretion for the principals in some cases where it may make more sense to give that kind of discretion.

[01:31:48] But the process was very collaborative. We started in June by surveying all of our principals at all levels and soliciting how they felt about the current policy and some of the changes they would like to see. We used the results of that survey to draft a new policy.

[01:32:06] We then convened a focus group of 15 principals that were invited, five principals from every level, so elementary, middle, and high school, and we also invited two alternative setting principals where we went through the policy, made sure that those principals understood it, accepted their feedback, made changes where the principal thought it was important to make changes. At that point, we took the policy to the Department of School Leadership, so my colleagues, and we presented it to the Department of School Leadership, so that would

[01:32:42] have been Ms. Rae Mitchell, all of the level directors, the executive principals, Mr. Ferry, et cetera. We took their feedback, made some revisions. We shared the draft policy as well with John Clark to make sure that we were not missing anything from a security lens. And finally, of course, the policy was reviewed by division council and by cabinet. So there are some significant changes to the policy. The first change is that our current policy only recognizes

[01:33:16] two categories of weapons. There are weapons A and weapons B. Weapons A are essentially guns. Anything that would be categorized as a firearm under the law is a weapons A. Everything else is a weapons B. And everything else could be a big knife, a machete. It could be a little pocket knife it could be a razor blade it could be a toy it could be a stick that somebody is hit with like pick up the stick and hit you so the policy doesn't differentiate between weapons currently

[01:33:50] the policy doesn't differentiate between um the is is the weapon um merely possessed is it used in a threatening or harmful way, the policy doesn't differentiate between an 18-year-old senior and a five-year-old kindergarten student. So what we tried to do and what we did do is we took the weapons and we categorized them into four categories of weapons so that we could differentiate sanctions accordingly. So a weapons A, no change at all to the policy. Weapons A

[01:34:28] continues to be firearms that are defined as firearms under the law and there continues to be no discretion if on the part of a principal if a firearm ends up on school property then students would have

to be suspended for 10 days and referred to our office for consideration of further disciplinary action so no changes at all with a weapons A in the current policy as I said everything else gets dumped into a weapons B what we've done is we've taken weapons B and a weapons B in the revised policy is any weapon other than a firearm, which is a weapons A,

[01:35:08] any other weapon that under the law is a weapon would be considered a weapons B, a category B. So that could include, I mentioned a machete, would be a weapons B, that is a weapon under the law if it's being used in a harmful manner. A large knife defined as any knife whose blade measures three inches or more. It could be brass knuckles. It could be nunchucks. It could be throwing stars. Anything that the law categories as a weapon would be a weapons B, and the consequence would remain unchanged as it is currently. Any student who possesses such a

[01:35:45] weapon at school, on school property, at an activity, et cetera, would have to be suspended for 10 days and referred to our office for further consideration. A weapons C, this is where we start to differentiate sanctions. Under the new policy, Weapon C would be items that are not categorized as weapons under the law. So they're not illegal to have at school, but they should not be at school.

[01:36:14] They're clearly inappropriate for school. They're things that clearly could be used to harm someone. So for example, the smaller knives, any knife with a blade less than three inches would be a Weapon C. Occasionally, we will see students who, on their keychain, carry the little pepper spray.

[01:36:34] That would be a weapon C. Shouldn't have it at school. A spring-loaded pellet gun would be a weapon C. Pneumatic guns or firearms, they're weapons A. Slingshot, razor blade, ammunition.

[01:36:51] Every now and then, a student won't have a gun, but maybe has a bullet. Shouldn't have it at school. Inappropriate. That would be a weapon C. Under the revised policy, with a weapons C, simple possession of the weapon, not used, but it is at school, the principal would have some discretion.

[01:37:12] The student would have to receive a suspension, and the principal could suspend for up to 10 days and also refer the student to us. So that ability is still there, depending on the context and depending on the situation, to refer the student to us. If that item is used to threaten, harm, intimidate any other individual, then it would remain an automatic 10-day suspension with a referral to our office.

[01:37:41] So with the Weapon C, it is distinguishing between was it used in a harmful manner, was it simply at school, sometimes by mistake. Sometimes we will have a Boy Scout or a student who hunts, and they don't realize they still put on their jacket and they still have their Boy Scout utility knife.

[01:38:02] Under the current policy, that student has to be suspended for 10 days and referred to our office. We have on occasion a situation where a mom or a dad concerned about their young child walking to and from the bus stop will say, here, here's mace, let's put it on your keychain or pepper spray.

[01:38:20] Shouldn't have it, can't have it, not allowed. But under the current policy, that student, if they're seen with it, has to be suspended for 10 days and forwarded to our office. So this allows for the principal to do that where it's appropriate and necessary, but also to not do that if it's not necessary in that moment.

[01:38:44] The final category is a Weapons D. A Weapons D is an item that you are allowed to have at school. Absolutely. You can have at school the large water bottle or absolutely at school we sit in chairs. But the minute that that water bottle or this computer or this chair is used to strike someone, that would be

now we have an item that has been used as a weapon. Not typically a weapon at all, but it has been used as a weapon. Or a student picks up a stick. A young student on the

[01:39:23] playground, picks up a stick and maybe hits another child with a stick or says that they're going to hit the child with a stick. Under our current policy, that stick is a weapon and a 10-day suspension and a referral to our office. Under our revision, if an item is used as a weapon that's not typically a weapon, something that they're typically allowed to have at school, but it's used as a weapon, an elementary student would still have to be suspended, but the length of the suspension would be at the discretion of the principal, and the principal could still

[01:39:57] suspend for 10 days and refer to us. If the student is a secondary student, then the student would have to be suspended for at least five days, and the principal could suspend for up to 10 and send the student to us. So again, the intent of the revisions is safety, safety, safety. It doesn't take away, for any case, the ability of a principal to send us a student with a 10-day suspension.

[01:40:23] but it does give principals discretion where that discretion is warranted. The last revision to the policy that is substantive is it does clearly indicate that toys are not weapons, unless they're lookalike weapons or unless the toy is used to injure or harm, but that typically when we're seeing little neon green squirt guns or little Nerf guns in the hands of our elementary schools, it clearly indicates that those items are not weapons.

[01:41:00] I would be happy to take any questions you have, or we could, of course, do questions and have more discussions the next time we meet. This is not a question, but a comment of observation, that when you leave that much flexibility in it, five to ten days, da-da-da-da-da, principals will often suspend the student who has been a pain in the butt ten days,

[01:41:37] and a different student, five, who did identically the same thing. And that is the only problem I have with flexibility. But I understand we need flexibility and give the principal some autonomy in making his or her decision.

[01:41:58] But the literature supports what I'm saying. My observations support what I'm saying. So I just would hope that when you send it out for public comment, that you would expect to get those kinds of comments, and I would like to have some appropriate response to those comments. Yeah, absolutely, and I will share with you that's, you know, not only a concern that we have, and we talked about it at Dossel, and even the principles, we talked about that. Consistency is the enemy of discretion, and discretion is the

[01:42:37] of consistency right so what we have done um is we are just this year starting to do quarterly reports for the level offices so that they can see school by school the number of suspensions the number of suspensions one to five versus five to ten uh the number of referrals to our office so that they can at a glance see if something is a little bit out of whack um we're going to be giving them a three-year look back so they can see if those numbers are going up, going down,

[01:43:12] or remaining consistent. There are dashboards that I believe each principal has access to where they can pull their discipline on a dashboard and they can see their own discipline and break it down by all kinds of different demographic and socioeconomic factors so that they can see whether there's disproportionality within their own buildings and that is something that could also be served up so to speak but that ability is there. I am pleased to know that you

[01:43:50] also are sending out that information because having been a principal on a day-to-day basis sitting down pulling my own data is not on my list of things to do. i would say that our principals want that data you know they they brought this up and they brought it up repeatedly that they too are like we want to make sure that there is some consistency

[01:44:19] within schools especially large schools but also between schools is that a motion oh somebody needs to yes i move that we move we send the weapons policy out for public comment Is there a second?

[01:44:45] I second. There's a motion on the floor to send the weapons policy forward for public comment. All in favor say aye. Aye. Opposed? Seeing no opposition, let's go ahead and send this forward.

[01:45:03] The motion is approved. Thank you. Having completed our business for the evening, I would like to adjourn this meeting. i'm sorry there is one more thing all right that we talked about um the next scheduled meeting for sbac is monday december 23rd and when we did the scheduling way back in january i made a note you said you wanted the december meeting on the calendar but that you also wanted to review it

[01:45:37] in november to decide if you would like to cancel the december meeting in light of the fact that it is december 23rd school is not even in right that's correct oh i'm sorry that's okay good point um if we could get the two of you to um change our board meeting from tomorrow night we will go bribery i'm sorry i'm joking i'm joking i will say marna um ms gettleman isn't here but

[01:46:14] she's been part of doing this for three and a half years and in her history with SBAC she said there's never been a December meeting but that's for you all to decide if you want to meet on December 23rd or if you want to meet again at the end of January. I move that we forego the December 23rd meeting. I second. There's a motion on the floor to forego the December 23rd meeting and begin again in January.

[01:46:49] All in favor, say aye. Aye. Opposed? I get like this after 6 o'clock. Seeing as there is no opposition, this motion moves forward. Also, seeing that we have now come to the end of our deliberations for this suspect meeting, I'd like to move that we...

[01:47:12] I don't need to motion this, right? No, you can just adjourn. - Okay, I'm going to declare this meeting adjourned at 6:16. Thank you all for coming this evening.

[01:47:41] - I'll see you guys tomorrow. - Okay.



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