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Loudoun County Public Schools, Student Behavior and Accountability Committee, Monday, March 2, 2026

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[00:00:00] good afternoon thank you all for your patience I'm Carrie LaBelle and I would like to call this session of the student behavior and accountability committee to order do we have any public comment no all right have you all had an opportunity to read the minutes from our last meeting madam chair I my

[00:00:36] understanding is that those minutes were from the December meeting yep was prior to mr. Svensson or myself but you did get a copy of them to read yes or no yes okay do you have any questions since you weren't here for that meeting are they do they fairly and accurately represent the business that this committee conducted on December 15th of 2025 absolutely so thank you all righty hmm

[00:01:10] do we need to have our minutes approved we have an audience it is my belief that you will still have to approve the minutes but i presume that your two colleagues will probably abstain and then um you get the deciding vote in that case all right um just i'm madam chair i have a clarifying question yes sir um so don't you just love this committee i tell you it's great um so i i think there's been different practices in the in the committees

[00:01:48] in relation to this first approval of the meeting minutes if we have read and understood the meeting minutes may vice chair Donohue and I and this is a question for council may we vote to approve the minutes if we read and understand it or do we have to have been at the meeting to do so I have no problem with it if I if I may respond Mr. Svensson's comment my my memory not with regard to

[00:02:27] this committee but when I was the chair of Student Services and in particular when I first came on to that committee as the chair and had not previously been a member of it my right that was different but there was there was at least one other occasion where I do recall having this conversation with Mr. Allen and I my memory was that those of us who had not been present for the prior meeting abstained which is which is not to say that that is what's required as

[00:03:01] certainly I defer to Ms. Richardson's guidance on that point well would you object to abstaining or do you really feel like you want to do this my only question is just because of the quorum if we won't have a quorum to approve the minutes if we just have one person but you're both here all right could somebody move to accept do I have a motion to accept the draft of

[00:03:41] of the December 15th minutes I move myself that we accept the draft of the December 15th minutes thank you thank you can't do it myself there all those in favor of accepting the December 15th

[00:04:06] minutes say aye aye abstain thank you nay no objections the motion passes all right we've had nope no public comment we have approved the minutes we have no action items and so now I will turn the floor over to Ms. Scanlon who is going to do an

[00:04:37] introduction to the SBAC committee's roles and responsibilities welcome to your very first SBAC meeting of course this is not your first meeting because you have been doing some hearings you've done some student hearings Ms.

[00:05:06] LaBelle thought that it was very important to have a little bit of an orientation for our two new members at the beginning of our first meeting to both orient you to the policies that are under our purview and specifically what we will be endeavoring to do with the rest of this school year and also to provide an orientation for you to student discipline and your role in student disciplinary appeal hearings of course you've already gotten two of those hearings under your belt so I think this will provide a good opportunity really to review what you've learned by experience but it also gives you an

[00:05:44] opportunity to ask some good thoughtful questions I think having already experienced the process before we jump into the policies and the student discipline appeal process I do want to take a moment just to talk a little bit about my office I am the director of the Office of School Administration and we are the office that serves as your liaison to the leadership team and the LCPS administration obviously primarily that is my role but you will also interact with some of my staff certainly Ms. Alvarado she is here with us at the

[00:06:21] end of every month for our SBAC meeting she is the one who puts the agendas together and get you the paperwork that you need myself and our two hearing officers we serve as the superintendent's designee in matters related to school discipline that is not all student discipline because only the most serious student incidents and student disciplinary shank sanctions actually come to the attention of the superintendent's office via my office and that is for incidents in which a student is recommended by their principal for a reassignment an exclusion a long-term suspension or an

[00:07:01] expulsion that's when my office would be involved we conduct those hearings we make decisions on behalf of the division superintendent and if a long-term suspension reassignment recommendation for expulsion or exclusion is appealed that is when you all will become involved and then of course our office shepherds that process as well so turning first to policy which is one of the primary responsibilities of this committee this was our goal at the

[00:07:37] beginning of this school year I'm very happy to say we are on track towards meeting our goal we did already accomplish the revision and passing through the full board the revisions of policy 8205 student discipline authority which you all actually had a part in passing because that is something that came up at the I believe January or early February board meeting likewise policy 8220 student disciplinary consequences was recently before the full board we also did earlier this school year policy 8655

[00:08:17] student personal device use that was decided by the full board in December so that it would be in place when the students came back after the winter holidays. And what we still have coming up are policies 8210 currently named introduction to student discipline.

[00:08:35] That policy works hand in hand with policies 8205 and 8220. They're almost I see them as a suite of policies. So even though it's not due until June I actually want to do that one next because it does work hand in hand with 8205 and 8220.

[00:08:57] We are also responsible for ensuring by the end of the school year that we have revised our policy pertaining to student searches and seizure. And then finally we have student dress code to tackle. While that policy doesn't have to be revised until mid-September it makes sense and Ms. LaBelle pointed out and rightly so that if there are going to be changes to the student dress code better that those changes are done by June so that everything can be publicized and in place for students at the beginning of the next school year.

[00:09:31] So those are the policies that we have completed the first three and the policies that are upcoming. Any questions on that. OK. Next then is student discipline.

[00:09:48] I want to start with just a very very brief overview of the student discipline policy and then we'll move into your role in that policy which is the student disciplinary appeals process. Now, Ms. LaBelle and Ms. Dunahue, you would have seen portions of this presentation in August.

[00:10:07] But again, I think certainly for Mr. Svensson, who didn't have the opportunity to see some of these slides before, I think all of you could benefit from having an opportunity in a smaller group to ask any questions that you may wish to ask. So please, at any point, if you have questions, don't hesitate to let me know.

[00:10:27] So as a brief overview, certainly we begin with, What is the purpose of student discipline to begin with? Of course, primary purpose, certainly at our level of discipline is student safety. Promoting safe learning environments where our students can come to school and not only be safe, but feel safe.

[00:10:47] And the same goes for our staff. Obviously, we want our staff as well to be able to feel that they can come to work and both be safe and feel safe. Promoting student discipline, especially at the school level. Again we see the most severe outcomes or the most serious offenses most the by far most discipline is handled at the school level and that really is done in an effort to promote the instructional program.

[00:11:14] Safety is a piece of that but in general we also need to ensure that our students are learning in an environment that is actually conducive to learning with as little disruption as possible to that instructional program.

[00:11:30] The discipline process also can serve to engage both students and parents in understanding the need to help a student resolve certain behavioral issues before they are facing more stringent consequences that take them out of the instructional program.

[00:11:49] For example through suspensions or in the worst case scenario an appearance before my office or before you. And then, of course, there are certain disciplinary actions that have to be made in accordance with federal law, state law, and certain policies and regulations that require certain sanctions.

[00:12:19] So very briefly, the process for student discipline always begins with some kind of allegation. Allegations come to our school administrators in a variety of ways. Oftentimes, it comes from students making allegations. students can be victims or targets they can be witnesses they can be students who just have a concern and they come forward with an allegation. School officials receive allegations as well from parents from community members from staff members etc. Whenever there is an allegation of student misconduct that occurs within the school system's jurisdiction then the school administrator will

[00:12:59] launch an investigation the investigation the goal of that is to determine whether or not the misconduct actually occurred our school administrators cannot make a determination that misconduct occurred without actually doing the investigation to demonstrate that that was the case in the course of their investigation they're collecting primarily student statements student witness reports are the most common piece of evidence they receive that might be supplemented with documentary evidence such as video

[00:13:36] sometimes our cameras or a student's camera captures incidents in that case video will be reviewed there might be physical evidence in the forms of contraband that was seized or discovered in the course of an investigation there might be photos of physical injury there might be photos of damage to personal property or LCPS property etc but via that investigation they're collecting all of that information and then they have to determine based on a preponderance of the evidence that the student more

[00:14:13] likely than not being the preponderance is responsible for the alleged misconduct in order to determine that yes in fact the student has violated our our policies and our code of conduct if they determine there was a violation then they use a tool that is provided for them it's a system-wide tool it's known colloquially as the s-bar people call it the s-bar tool that's a little bit misnamed so i intend to rebrand it in our next policy

[00:14:42] but essentially it takes 94 different violations they have to determine of that list of 94 which occurred it may be that only one violation occurred it may be that the student committed multiple violations on that list and then as they come across the tool they will see what their range of permissible sanction is for the violation that occurred so they do their investigation they did if they determine that misconduct occurred they label that misconduct and they use this

[00:15:19] tool to determine their range of sanction they then choose the sanction they have to be within their range based on the seriousness of what occurred the impact of what occurred and any other prior disciplinary events that may have occurred from a progressive standpoint they can factor that in as well they administer that sanction and most sanctions that occur at the school level which you'll see in just a moment anything less than a suspension from school is not appealable. If the student is suspended from school, at that point, a family

[00:15:59] could appeal to my office. And if it is simply a short-term suspension, which is a suspension anywhere from one to 10 days, then we are the final arbiter of that suspension. If we get a case with a 10-day suspension and a referral to our office for some additional action, then that is when you all may be involved in an appeal and that becomes then an appeal of our decision

[00:16:27] rather than the principal's decision. So this is data related to the 24-25 school year. You can see here if we added all of that up we have approximately 23,000 sanctions that were administered last school year. Now there can be overlap. A student can receive multiple sanctions for the same violation so there were approximately 19,000 incidents recorded in our Phoenix our

[00:17:03] student information system and those 19,000 incidents resulted in approximately 23,000 sanctions what I wanted you to take away from this however is that the vast majority of sanctions could never appear before this board.

[00:17:22] The only sanctions that are appealable to SBAC are the three that you see at the very end or the far right of that screen. 112 reassignment decisions. Any one of those could be appealed to SBAC.

[00:17:39] 14 long-term suspension decisions. And then in the last school year, we had no expulsion recommendations. But that is the universe of what you might be involved in. But in order to be involved in those sanctions, a parent would actually have to appeal our decision that those sanctions be implemented.

[00:18:00] So this shows you a three-year perspective. Actually, it's more of a two-and-a-half-year perspective because we're only partway through 25, 26. But of the number of appeals that SBAC has heard.

[00:18:18] So you will see, for example, that there's a difference between an appeal being filed and an appeal being heard. So I'm going to discuss that. That's one big takeaway there, and that you will see in that middle cluster of columns.

[00:18:37] In addition, what you will see is that even when you consider not only the 19,000 sanctions that were administered, but within what was potentially in your realm, you had about 160 that could have come to you.

[00:18:54] The numbers that actually do come to you on appeal are really quite low. Last year, 24-25, there were 19 appeals filed, and there were 11 appeals heard. So there were 11 SBAC hearings conducted last school year.

[00:19:13] So you might be saying, well, why would something be appealed, but then not heard? there were eight cases that were appealed but not heard of those eight to the parent withdrew the parent decided you know now that I've had more time to think about this they might have had some questions that were answered they've decided they didn't want to move forward with the appeal which is fine they do have to notify me of that in writing so that there's no question of their intent and if they notify me in writing that they wish not to appeal as long as I have that before the day of the appeal, then we would just go ahead and cancel the hearing

[00:19:52] and our decision would stand. The other six were all instances of community-based crimes where between our reassignment decision and the time that SBAC would have convened, the court acted and either dismissed the charges or diminished the charges to a point that our decision had to be rescinded in any case.

[00:20:20] So essentially, the appeal became moot before it was ever heard by SBAC. And if it's moot, then there's no reason to go forward with the appeal hearing. Any questions on that? I can see it in your face, Ms. Dunahue.

[00:20:38] That's why I paused. Thank you, Chair LaBelle. And thank you, Ms. Scanlon. So I just want to ask for some clarification or for you to help me talk through the last point that you made.

[00:20:55] So on the one hand, I hear what you're saying, but on the other hand, our discipline process is separate from criminal process. So when you say a court procedure might make our appeal moot, can you explain what you mean by that?

[00:21:15] Yes, that's a very good question. In the vast majority of situations, Our discipline process is absolutely and completely separate from a court process, okay?

[00:21:32] And in fact, the two hearings that you've participated in so far, that was absolutely the case. So those are situations, and I would say when you think about all of the cases we get in my office, I would say probably 90% of the cases that are sent to us are cases where whatever happened happened fully and totally within our jurisdiction.

[00:21:54] So it happened on school property, at a school-sponsored activity, with the use of our devices or our networks, something that was fully within our jurisdiction. We have the independent authority and responsibility to act, and that authority and that responsibility exists regardless of what the court might do.

[00:22:16] Whether there are charges, whether charges continue forward through a court process, whether there's a conviction, not a conviction, doesn't matter to the student discipline process because we have an independent authority. We also, under the Code of Virginia, can take action against a student who has been charged with or convicted of certain serious community-based offenses.

[00:22:46] it is not most offenses the vast majority of offenses for which students are criminally charged would never come to the attention of the division superintendent but the code sets forth 14 categories of criminal offenses such that if a juvenile is charged with one of those 14 categories of offenses then the intake officer at the juvenile and domestic relations district court must notify

[00:23:17] the superintendent. Those charges come to me as the superintendent's designee. I will send those charges out to the principals as ordained by law and policy and then the principals can determine whether or not based on that charge alone the principal feels it would be prudent to have the student reassigned. So these are instances where a student has been charged with community-based defense they did not occur on school property at a school sponsored activity via our devices our

[00:23:53] technologies they are entirely outside of the independent realm of our jurisdiction they are the most serious charges the 14 categories include murder other felonious assaults including sexual assaults, gang activity, gang recruitment, burglary, arson, robbery, certain weapons offenses but not most, certain drug offenses but not most, so they are very serious offenses.

[00:24:29] If we reassign a student or take any disciplinary action based on a charge alone, then because our authority rests solely on that community-based charge, if the community-based charge goes away or is reduced to a charge that isn't on the list of 14, then our authority to take that action goes away with it.

[00:24:54] So in those six cases, we had a student charged with a reportable offense. We enacted a reassignment. The family appealed the reassignment. But before we got to the SBAC appeal, they had gone to court and either the charge was completely dismissed, they were found not guilty of the charge, or the charge was reduced such that it was no longer on the list of 14 which means I had to rescind the decision I did

[00:25:22] rescind the decision rendering the appeal moot very helpful thank you you're welcome okay appeals to SBAC and the process is entirely laid out in policy 8230 which was updated about a year ago approximately a year ago I think it's very thorough but it does set forth all of these items and more. Regarding the scope of SBAC authority, this is important. SBAC has the

[00:26:01] authority to affirm, modify, or annul a sanction decision. SBAC doesn't have the authority to adjust the finding that the student violated the rules, but SBAC has the authority to determine whether the sanction that was administered for that violation was the appropriate sanction.

[00:26:24] Only certain sanctions, as we mentioned before, are repealable to SBAC. The vast majority of sanctions aren't. In order to appear before SBAC, a student must have been either long-term suspended, which is a suspension of between 11 days and 364 days, or they must have been reassigned from the school in which they were enrolled to a different setting, a reassignment decision,

[00:26:55] Or they would have had to have been excluded which is a process that is dependent or is specifically for a student who has gotten long-term suspended or expelled someplace else.

[00:27:11] And then in the term of that expulsion or long-term suspension have tried to enroll here. If we then excluded the student based on the disciplinary action that was taken by the other school division or private school an exclusion could also be appealed.

[00:27:28] So long term suspension reassignment exclusion or a recommendation for expulsion. Now a recommendation for expulsion is interesting because it's the only one that has to go to SBAC whether there is an appeal or not. And that is simply because while the superintendent can recommend expulsion the superintendent doesn't have the authority to expel only you have the authority to expel so if there is a recommendation for expulsion it's essentially my hearing officer acting on behalf of the superintendent has opened a circle that has to be closed and only SBAC can close that circle

[00:28:05] so expulsion recommendations have to come to you whether or not appealed long-term suspensions reassignments and exclusion decisions would come to you only if appealed appeal packets you are familiar now with what an appeal packet looks like.

[00:28:24] It is the entire record that was before the hearing officer in addition to the hearing officer's decision, the appeal submitted by the parent, and that's essentially it. So it's the record that was before us, plus our decision, plus the parent's appeal, that goes to the SBAC members, and a copy of that in redacted form also goes to the family.

[00:28:46] In terms of the hearing itself, both sides, so to speak, the family has an opportunity to present its version of events and its arguments for why a decision should be modified or overturned. The school administration, represented by the hearing officer, has the ability to do the same.

[00:29:08] There are closing arguments on each side. Certainly SBAC has the fortune of having division counsel sit in if there are any legal questions that you may have. Families also have the ability to be represented at these hearings by whomever they wish to bring with them as a support.

[00:29:29] That could be an attorney, that could be a family member, that could be really anyone that they wish to bring with them. So that hearing gives an opportunity for SBAC to hear both perspectives of what occurred, both perspectives regarding what should happen next in terms of a sanction, and it gives an

opportunity as well for you to make sure that your questions are answered so that you can make the best possible decision regarding what should happen next for that student.

[00:30:01] You do deliberate completely, the entire hearing, as you know, is in closed session, but your deliberation is private. It is the three of you with division counsel in the event you have legal questions. You are the only ones that are privy to that deliberation, and your decision is to either affirm the hearing officer's decision, annul the hearing officer's decision, or modify it.

[00:30:28] And that modification could take any form that you like. Once SBAC makes a decision, so long as that decision is unanimous, it is the final decision, and it is unappealable. If SBAC makes a decision that is not unanimous, so a two-to-one decision, then the family could appeal that non-unanimous decision to the full school board.

[00:30:54] And the full school board would hear that case, or they would receive that case. They wouldn't really hear it in the sense that that appeal would typically be on the written record. So there wouldn't be an additional hearing.

[00:31:11] All of the paperwork, the record, would then go to the full board, supplemented only with the SBAC decision. And then the family's appeal of the SBAC decision, that packet would go to each member of the full board. and that appeal would be done on the written record in a closed meeting of the full board.

[00:31:31] At that point, that is the final word, and again, it only reaches the full board if there is a non-unanimous decision at your level. Okay, that may be, oh, no, I was going to say that may be my last slide, but no, it isn't.

[00:31:48] This is a very important one, and Ms. LaBelle said you need to make sure you talk about this, And she was right. This will often come up in hearings where we have a student who has a disability and either has an IEP or a 504 plan.

[00:32:07] So you should know that students with disabilities who have either a 504 or an IEP do have additional protections in the discipline process. The first protection is a manifestation determination review where a relevant members of the student's IEP team must convene they are expected to convene before the tenth day of suspension and they are tasked with reviewing the incident reviewing what is known of the student's disability and

[00:32:46] answering really two questions question one is was the student's misconduct a direct result of the student's disability and/or question two was the student's misconduct a direct result of the school system's failure to implement the IEP or the 504 plan with fidelity so those relevant members of the IEP team which do include the parents and in some cases even the student if the student is

[00:33:23] old enough to participate they go through the incident they go through the student's disability and they answer each of those two questions if the answer to both questions is no no the misconduct was neither a result a direct result of the student's disability nor a direct result of any failure of the division to implement the IEP then two no's equals not a manifestation of the student's disability if either of the two questions gets a yes then that is

[00:33:58] equal to the misconduct is a manifestation of the student's disability. The reason that is important is under IDEA and our own policy any student where it is determined that their misconduct was a manifestation of their disability cannot be disciplined beyond a cumulative for the entire school year 10

days of suspension. So we do occasionally have situations where a referral is sent to my office because of serious misconduct.

[00:34:35] The MDR is done, and typically the MDR would be done before my office conducts a hearing. If the determination is that it's a manifestation, often what you will see is we cancel the hearing. And we do not move forward with any kind of involvement.

[00:34:53] The student sanction ends on the 10th cumulative day of suspension, and the matter goes back to an IEP team to do a FBA, a BIP, and to figure out what accommodations need to be in place to ensure that serious misconduct does not recur.

[00:35:10] For a matter to come to SBAC, it can by definition only come to you if the determination was that the student's misconduct was not a direct manifestation of their disability.

[00:35:27] And that is because if it is a manifestation, we cannot long-term suspend, reassign, exclude, or recommend expulsion so by virtue of the fact that we have made that decision it has been determined by the IEP team or relevant members thereof that the student's misconduct is not what directly led or was not directly caused by the disability sometimes what you will see in hearings is in part or in whole the appeal is really based on the special

[00:36:04] education matters, where a parent may argue to you, a family may argue to you, that because of the student's disability, the sanction should not have occurred, or the misconduct occurred because of the student's disability, and what, but that matter has already been resolved through the MDR process.

[00:36:24] So when that occurs, what you will often hear me say, as I'm sitting over here, is that the parent does have the right and the ability to appeal the MDR decision. it's a separate process so when there is an appeal of the mdr decision that goes to a due process hearing officer there is a hearing that is done to determine whether or not that mdr should be overturned if the mdr is overturned i would get notice of that and i would have to rescind the

[00:36:59] decision based on um the mdr being overturned on appeal but what what cannot happen or should not happen is for us back to make those special education decisions so often when we're here it's it's really a lot of education I think in ensuring that parents understand that they do have an avenue for appealing special education determinations but that Avenue is separate from the student discipline

[00:37:28] Avenue and in the red box you see the important documents that set forth the various rights of students with disabilities regulation 82.20.3 sets forth from an LCPS perspective what additional processes and protections our students with disabilities have and then of course there are two other documents that parents are provided through the special education processes the Virginia procedural safeguards notice and for students with IEPs or the section 504

[00:38:07] procedural safeguards for students who don't have IEPs now I think that might have been it you have any questions mr. Svensson by all means thank you madam chair one point not a question but I was curious for the slot for slide eight for the total sanctions administered if it would be possible to get the same chart but instead of the number of sanctions the number of students were to whom

[00:38:40] Sanctions were administered, just to see how many repeat individuals are receiving the sanctions. That might be helpful for me, at least, to understand. Yes, we can do that. And, in fact, I do have that slide.

[00:38:55] That was part of the larger presentation that we did in August. Oh, great. I will tell you there are more students than incidents because incidents can involve multiple students. But, yes, we can get that data for you. That makes sense. And I'm wondering, do we have the data yet as to nationality, race, gender, all of that that we had talked about once before?

[00:39:20] So, yes. I selected for the data just two slides of what I think was probably a 10 or 12-slide presentation from August. so that presentation also contained disproportionality data looking at race and ethnicity looking at English language versus English language learner status looking at special education status I believe sex as well I think we

[00:39:49] did but yes we do have that data thank you welcome yes unconventional as sorry I come up to the table also in terms of semester data to include this year what Dana just spoke of we're also going to be presenting at PMC tomorrow so I Dana can also share that information but we're I will be presenting on behalf of OSA the disproportionality data in terms of our EL students students with

[00:40:26] disabilities and then some of our other ethnic reporting groups thank you any Any other questions? Seeing as there's no other questions, we're going to move on to, I believe it's a new business we're up to.

[00:40:45] Yes. Any new business, I just want to recommend to the committee members, the new committee members, to make sure to go over and check out TAFE because so often we have that recommendation come through.

[00:41:06] And unless you understand what is truly available and how wonderful they deal with our problem students, at Tate, it could impact your feelings about what we're doing.

[00:41:22] And you need to be fully aware of everything, so please take that to heart. Seeing as there's no other new business, I'm going to adjourn this meeting at 4:47, that looks like.

[00:41:40] Thank you.



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