

# Fairfax County Public Schools

## Hearings Office Annual Report

### 2019 - 20 School Year



## **Executive Summary Hearings Office Annual Report 2019-20 School Year**

As expected, due to the closure of schools on March 13, 2020, the number of student disciplinary referrals to the Hearings Office declined significantly for the 2019-20 school year. It is notable, however, that the number of referrals submitted as of March 13, 2020, in comparison to March 13, 2019, had also declined. As of March 13, 2019, 572 student disciplinary referrals had been submitted to the Hearings Office for the 2018-19 school year. As of March 13, 2020, 478 student disciplinary referrals had been submitted to the Hearings Office for the 2019-20 school year. This marks a decline of 16%.

During the 2019-20 school year, school principals and program administrators submitted a total of 486 student disciplinary referrals to the Hearings Office, an overall decrease of 44% in Hearings Office referrals compared to the previous school year. Student misconduct resulting in referrals to the Division Superintendent were as follows:

- 27% were based primarily upon drug-related violations
- 28% upon assault-related violations
- 12% upon weapons-related violations
- 33% upon other prohibited conduct

While referrals decreased across all offense categories, drug-related referrals decreased proportionally compared to the 2018-19 school year, declining from 49% of student disciplinary referrals to 27%. This reduction follows changes to the Student Rights and Responsibilities regulation implemented in August 2019 related to first-time marijuana possession at school.

Hearings Office referrals decreased at all levels: elementary, middle, and high. Just over one-quarter of one percent (0.26%) of all Fairfax County Public Schools students were referred to the Hearings Office for disciplinary action:

- 0.05% of all kindergarten through sixth grade students
- 0.39% of all seventh and eighth grade students
- 0.55% of all ninth through 12<sup>th</sup> grade students

Hearings Office referrals continue to demonstrate disproportionality related to ethnicity/race. While fewer than two-thirds of one percent of students in each of the four largest ethnic/racial subgroups (Asian, Black, Hispanic, and White), were referred to the Hearings Office. Black and Hispanic students continued to be disproportionately referred to the Hearings Office, as did special education students.

# ***Hearings Office Annual Report 2019-20 School Year***

## **Table of Contents**

<i>Introduction .....</i>	<i>1</i>
<i>Summary .....</i>	<i>2</i>
<i>Total Hearings 2011-20.....</i>	<i>3-5</i>
<i>Total Hearings through March 13, 2018-20.....</i>	<i>6</i>
<i>Demographics.....</i>	<i>7-14</i>
<i>Violations .....</i>	<i>15-20</i>
<i>Recidivism .....</i>	<i>21</i>
<i>Case Decisions by Hearings Office.....</i>	<i>22-24</i>
<i>School Board Summary 2019-20 .....</i>	<i>25</i>
<i>School Board Decisions.....</i>	<i>26</i>

## ***Introduction***

This is a report on disciplinary referrals and recommendations submitted to the Superintendent's Hearings Office during the 2019-20 school year. This report includes data on:

- Referral to the Division Superintendent—Submission for consideration of a student disciplinary action greater than a short-term suspension
- Recommendation for Exclusion—Recommends imposition of a student's expulsion or long-term suspension from another school district or private school
- Recommendation for Reassignment—Recommends assignment to an alternative educational setting for a student who has been charged with an alleged community-based crime

This report does not include data on short-term suspensions or other school-based consequences.

Inquiries about the Hearings Office Annual Report should be directed to J. D. Anderson, the Acting Superintendent's Hearing Officer, at the Hearings Office, Fairfax County Public Schools, 8115 Gatehouse Road, Falls Church, Virginia 22042.

## ***Summary***

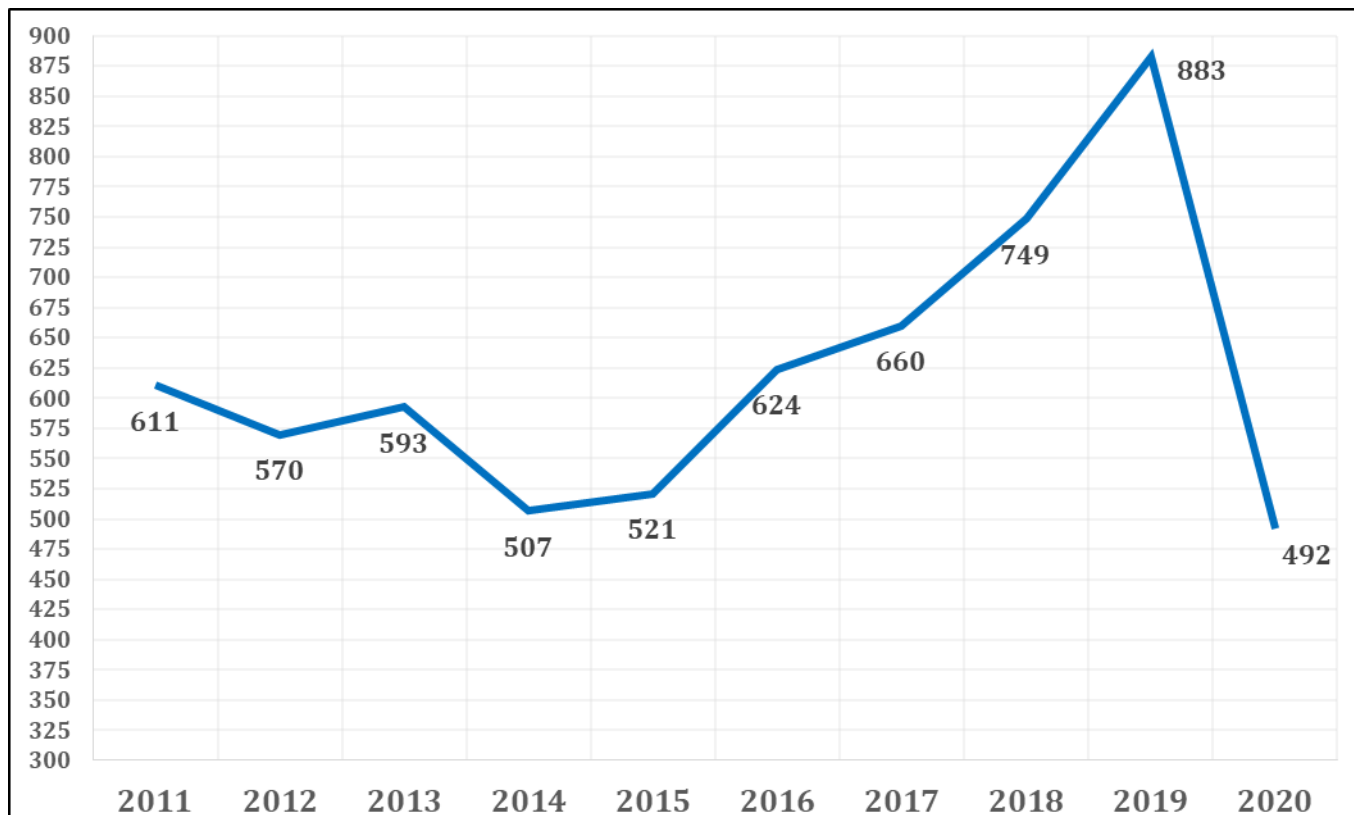
492 hearings were conducted by the Hearings Office during the 2019-20 school year to consider:

- 444 referrals to the Division Superintendent
- 42 reassignment recommendations
- 6 exclusion recommendations

The School Board considered 22 cases.

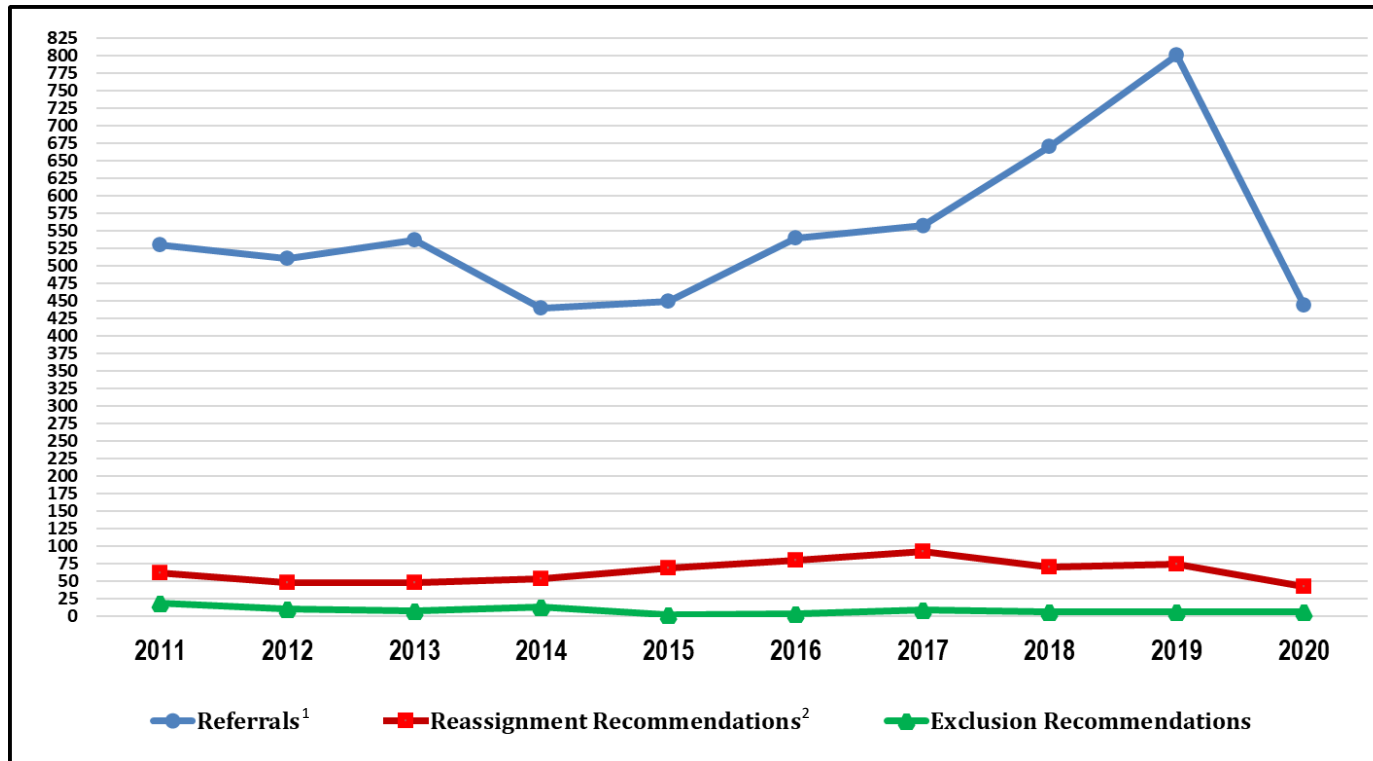
## ***Total Hearings 2011-20***

Total hearings to consider disciplinary referrals and recommendations conducted by the Hearings Office for the 2010-11 school year through the 2019-20 school year.



## **Total Hearings 2011-20**

Total hearings to consider disciplinary referrals and recommendations conducted by the Hearings Office for the 2010-11 school year through the 2019-20 school year, disaggregated by case type.

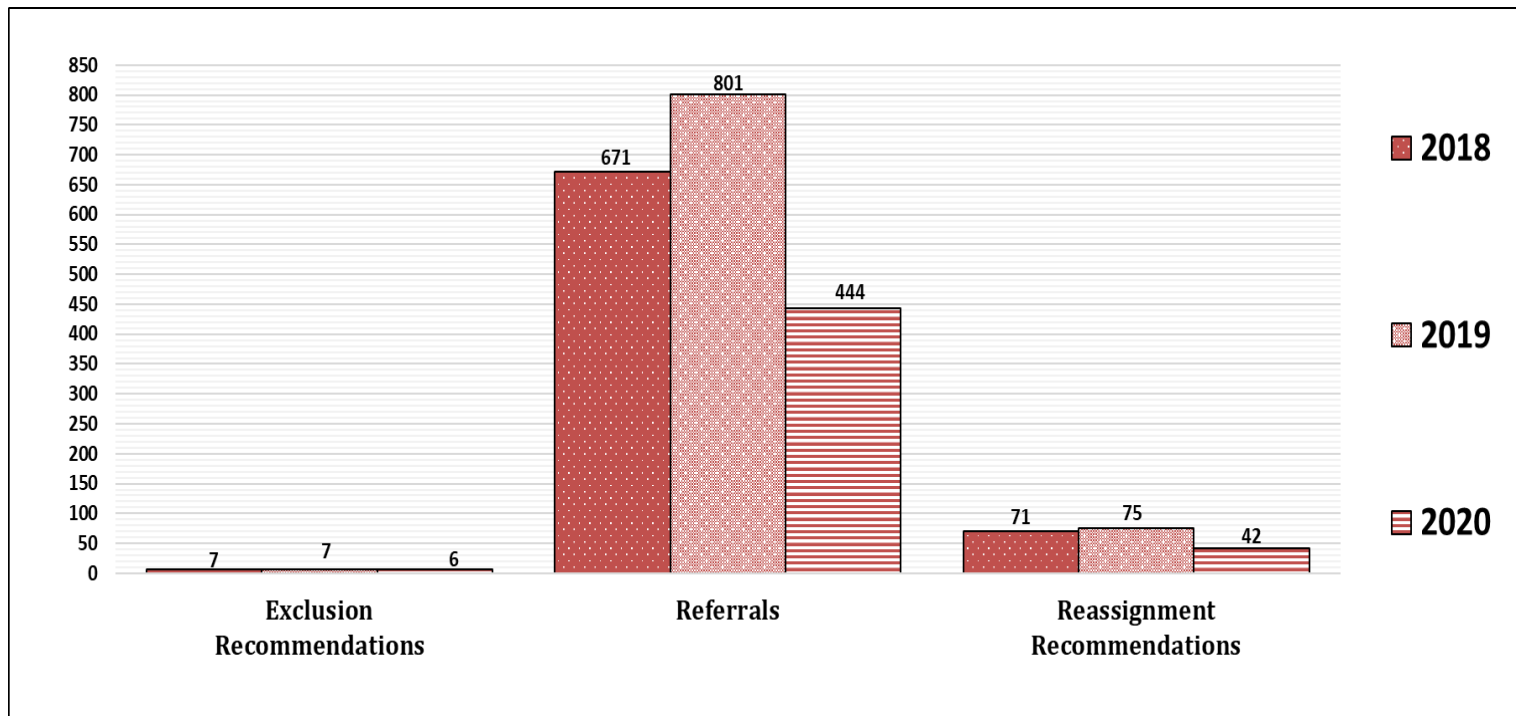


<sup>1</sup>. For school years 2011-13, this line represents recommendations for expulsion. For the 2014 school year, this line represents recommendations for expulsion and recommendations for reassignment for serious violations of School Board policy. For school years 2015-2020, this line represents referrals to the Division Superintendent.

<sup>2</sup>. For all school years, this line represents recommendations for reassignment following criminal charges related to alleged community-based crimes.

## ***Total Hearings 2018-20***

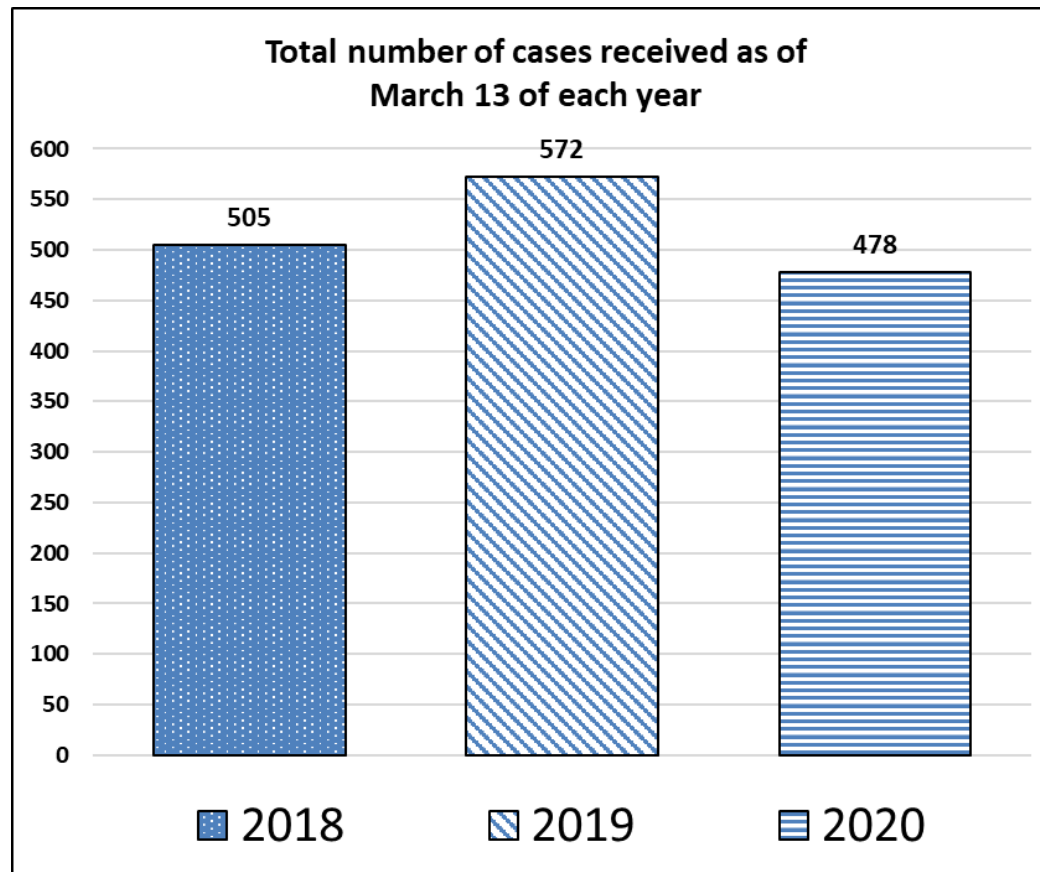
Total hearings to consider disciplinary referrals and recommendations conducted by the Hearings Office for the 2017-18 school year through the 2019-20 school year, disaggregated by case type.





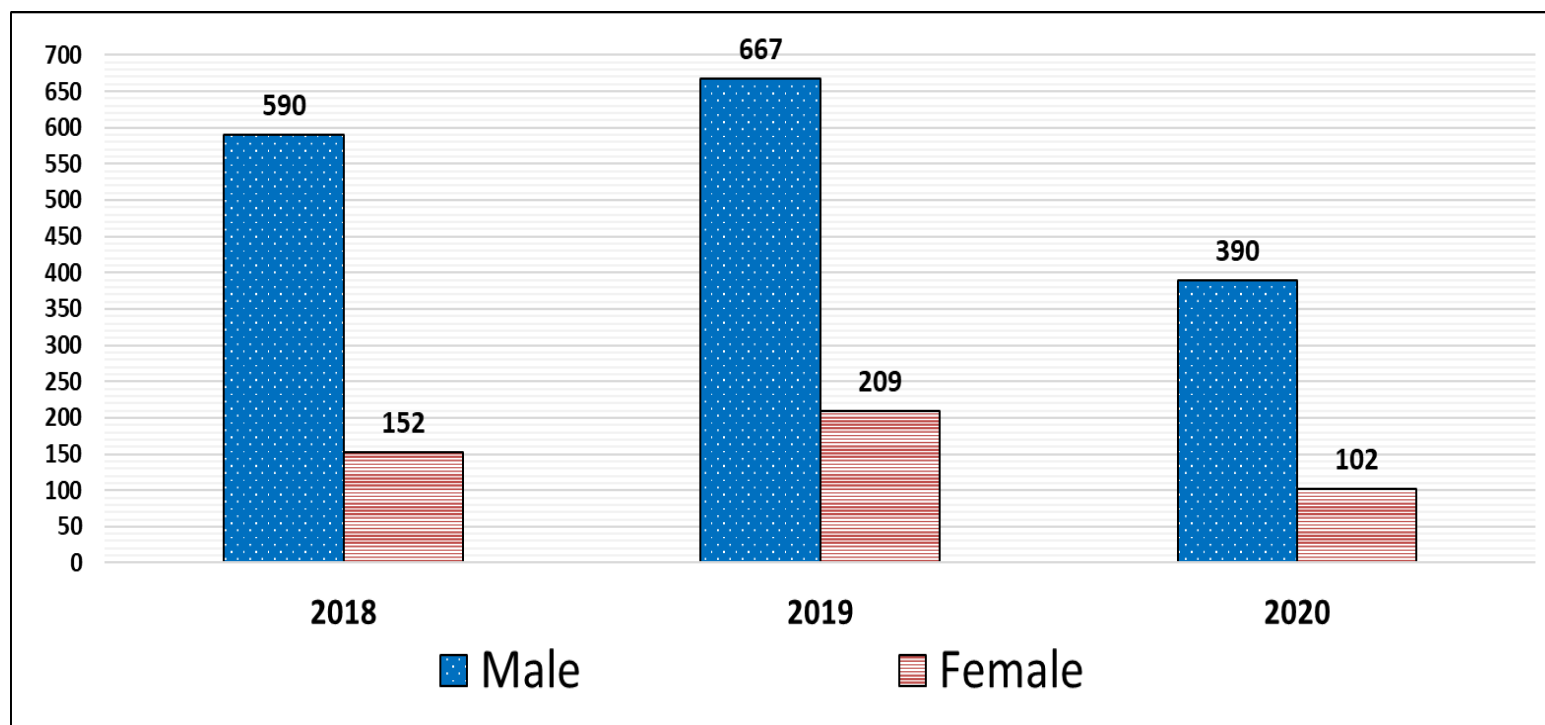
## ***Total Hearings through March 13 2018-20***

Total hearings to consider disciplinary referrals and recommendations conducted by the Hearings Office for July 1 through March 13 of the 2017-18 school year through the 2019-20 school year.



## Gender

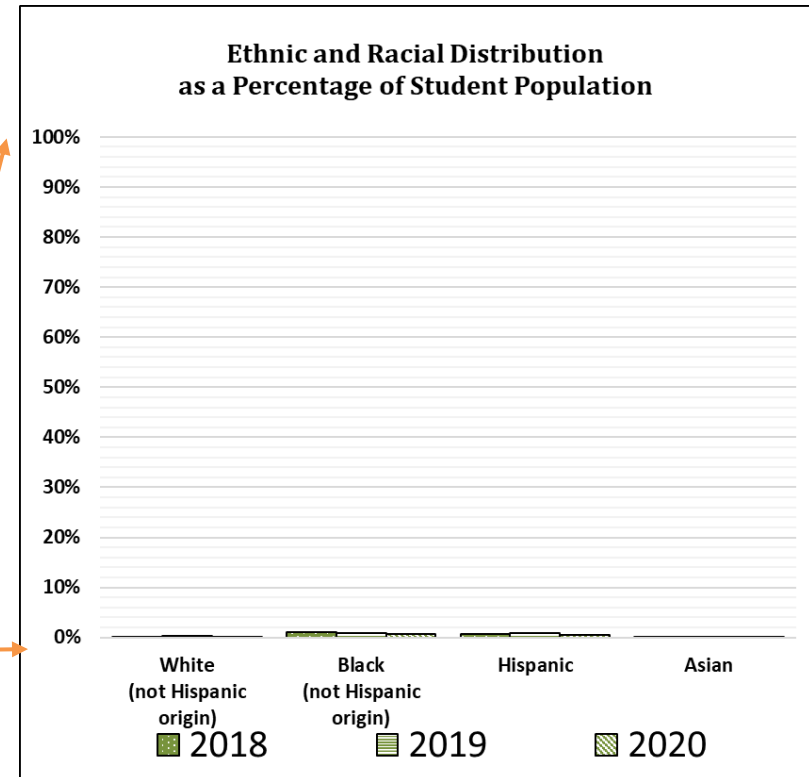
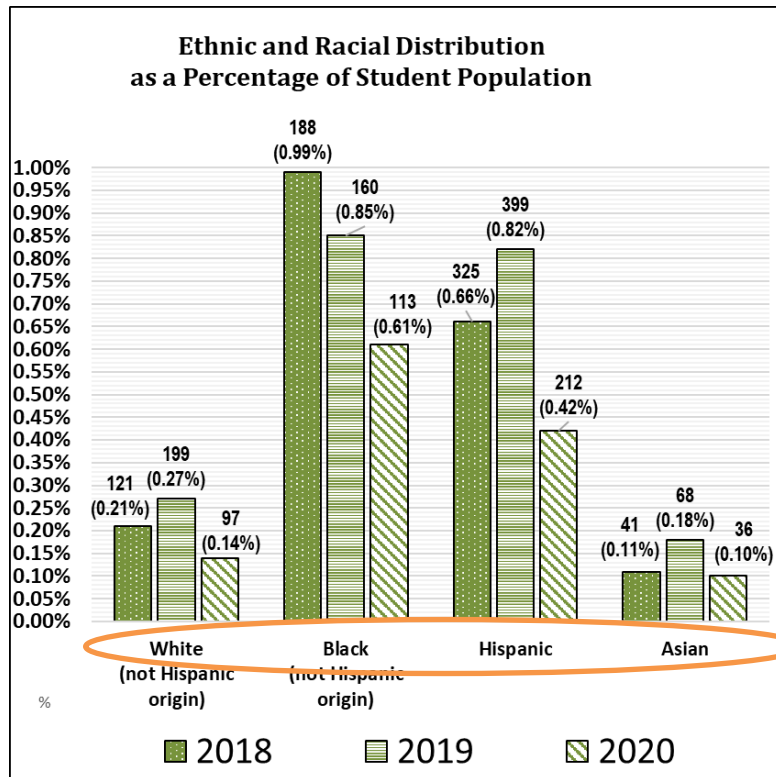
Gender distribution for referrals to the Division Superintendent and reassignment recommendations considered by the Hearings Office during the 2019-20 school year is illustrated below with the two prior years for comparison.



**Note:** The graph represents a male/female distribution of 80%/20% (2018), 76%/24% (2019), and 79%/21% (2020).

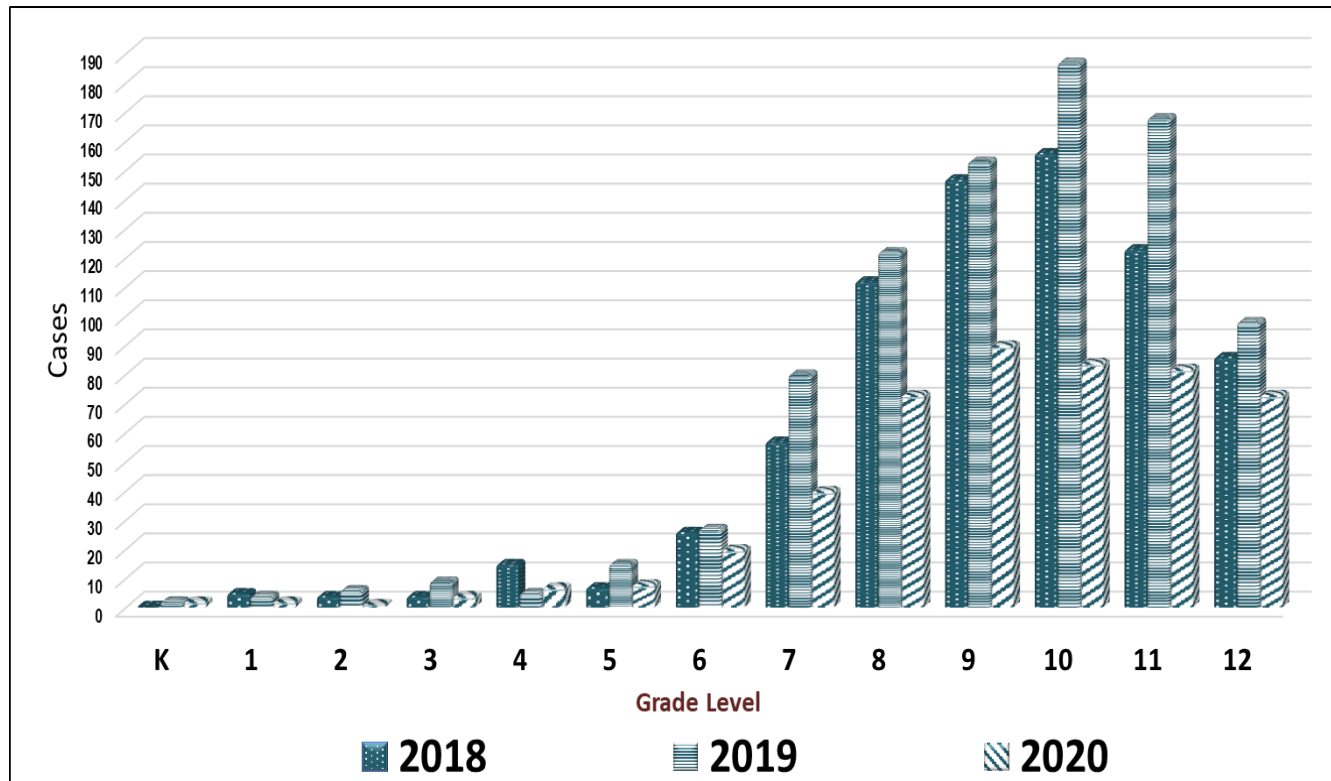
## ***Ethnicity and Race***

Less than two-thirds of one percent of students in each of the four largest ethnic/racial subgroups were referred to the Division Superintendent or recommended for reassignment during the 2019-20 school year. Ethnic/racial distribution for such cases considered by the Hearings Office during the 2019-20 school year is illustrated below with the two prior years for comparison.



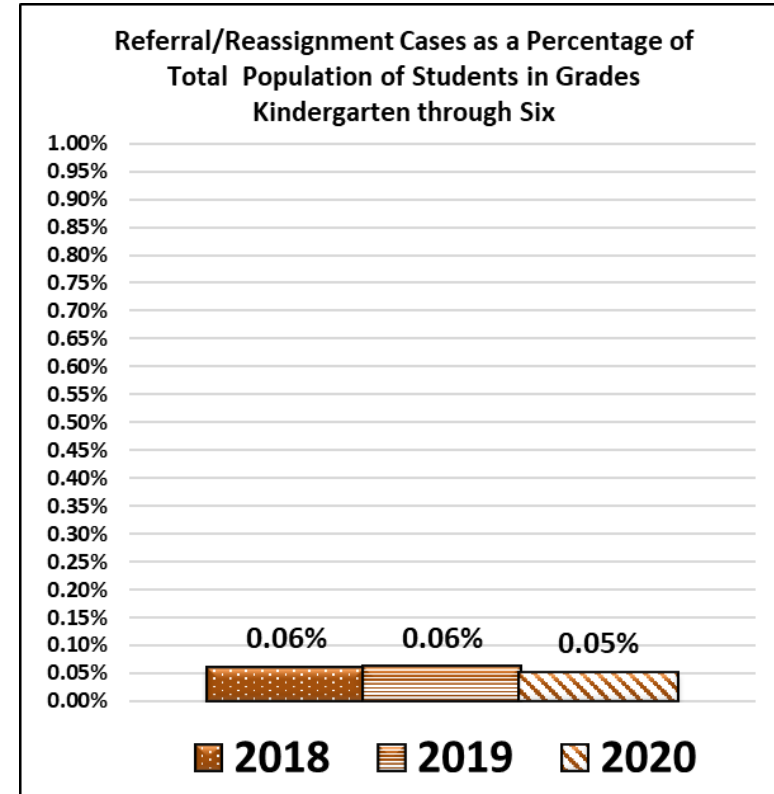
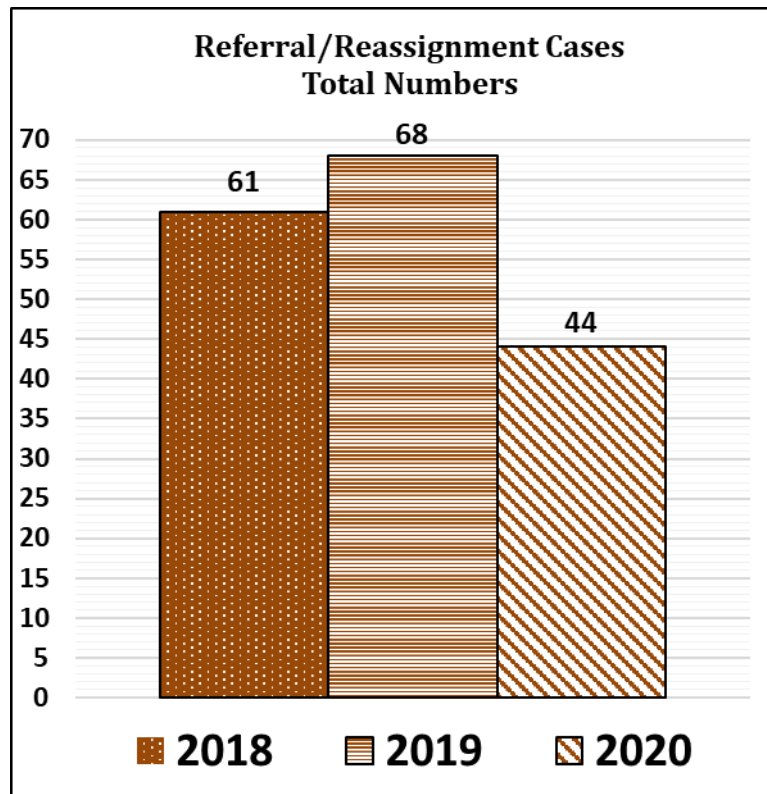
## Grade

Grade distribution for referrals to the Division Superintendent and reassignment recommendations considered by the Hearings Office during the 2019-20 school year is illustrated below with the two prior years for comparison.



## Kindergarten through Grade 6

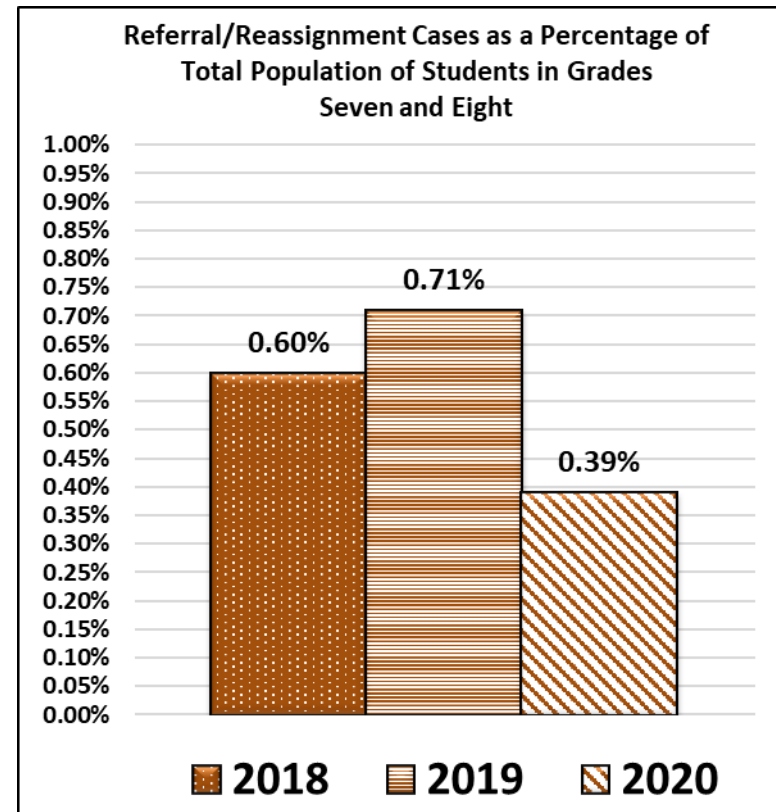
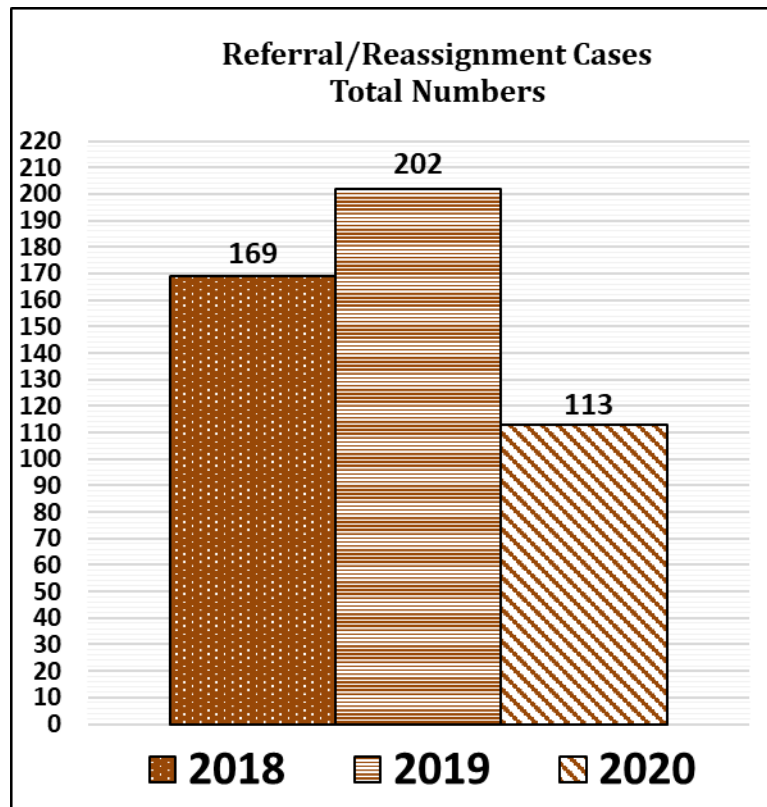
Illustrated below (with two prior years for comparison) is the total number of students in Kindergarten through grade six that was referred to the Division Superintendent or recommended for reassignment during the 2019-20 school year. Also illustrated is the percentage of students in Kindergarten through grade six referred to the Hearings Office, which was less than one-tenth of one percent in each of the last three school years.



**Note:** No students in Kindergarten through grade six were recommended for reassignment during the 2018-19 and 2019-20 school years.

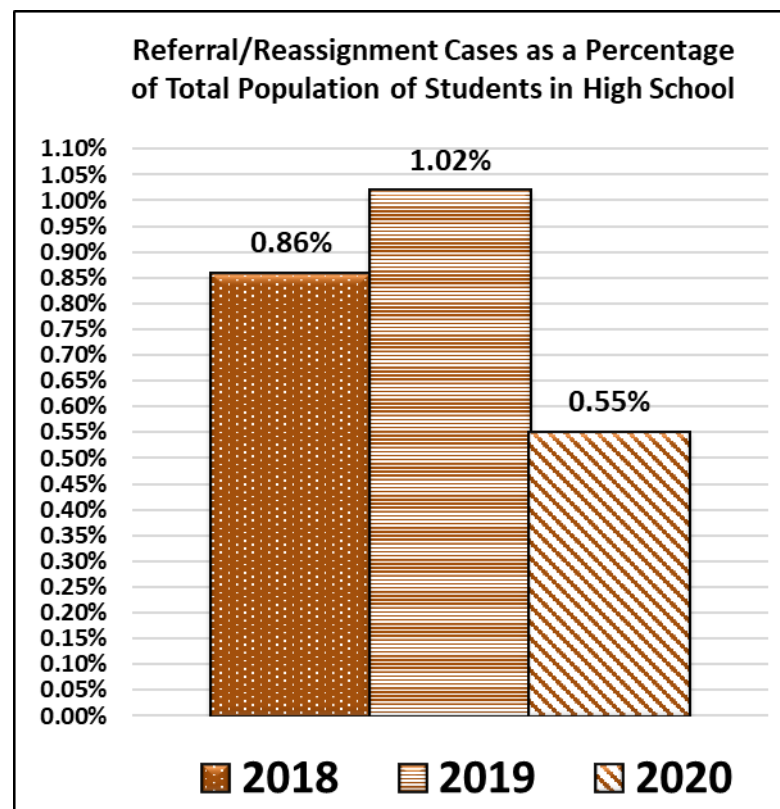
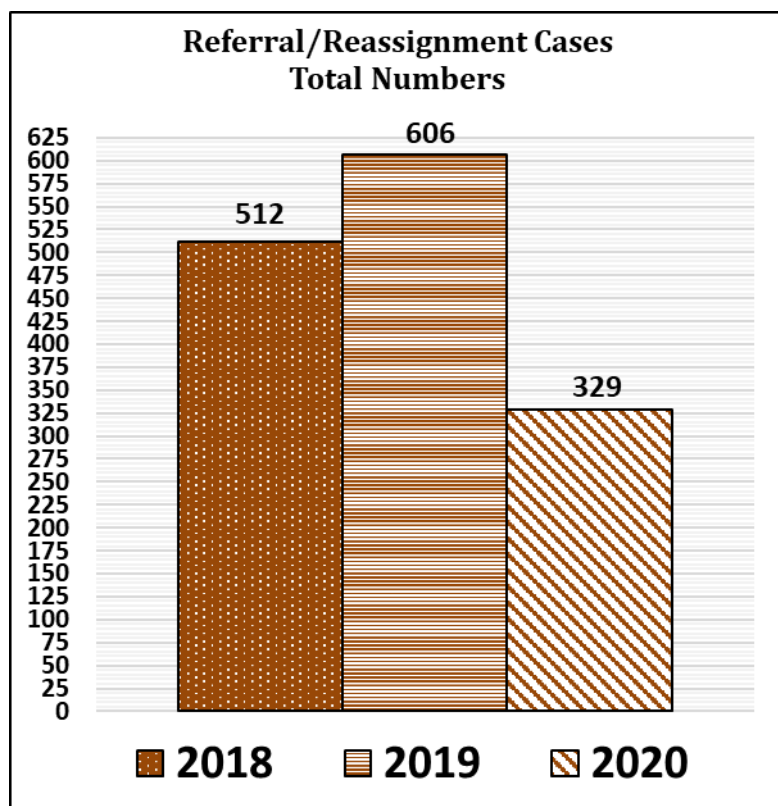
## Grades 7 and 8

Illustrated below (with two prior years for comparison) is the total number of students in grades seven and eight that was referred to the Division Superintendent or recommended for reassignment during the 2019-20 school year. Also illustrated is the percentage of students in grades seven and eight referred to the Hearings Office, which was less than three-quarters of one percent in each of the last three school years.



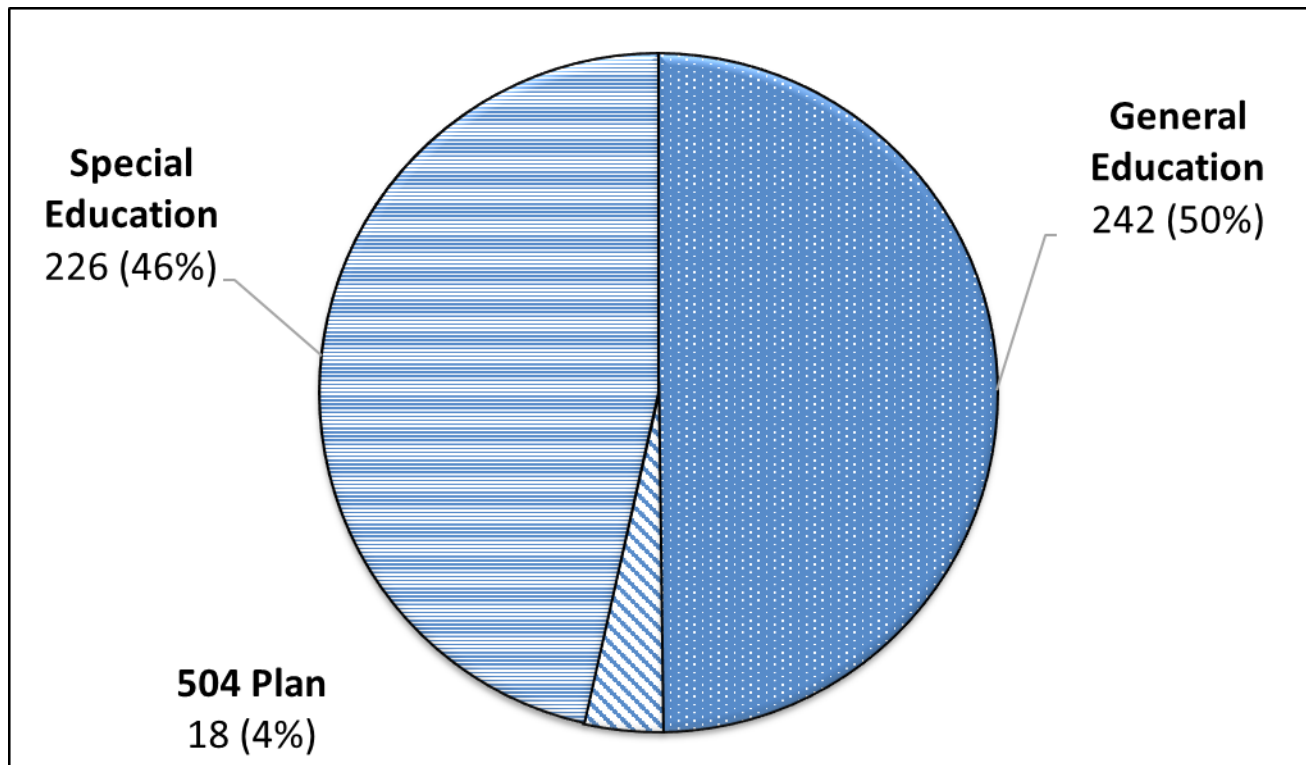
## Grades 9 through 12

Illustrated below (with two prior years for comparison) is the total number of students in grades nine through 12 that was referred to the Division Superintendent or recommended for reassignment during the 2019-20 school year. Also illustrated is the percentage of students in grades nine through 12 referred to the Hearings Office.



## ***Special Education and General Education***

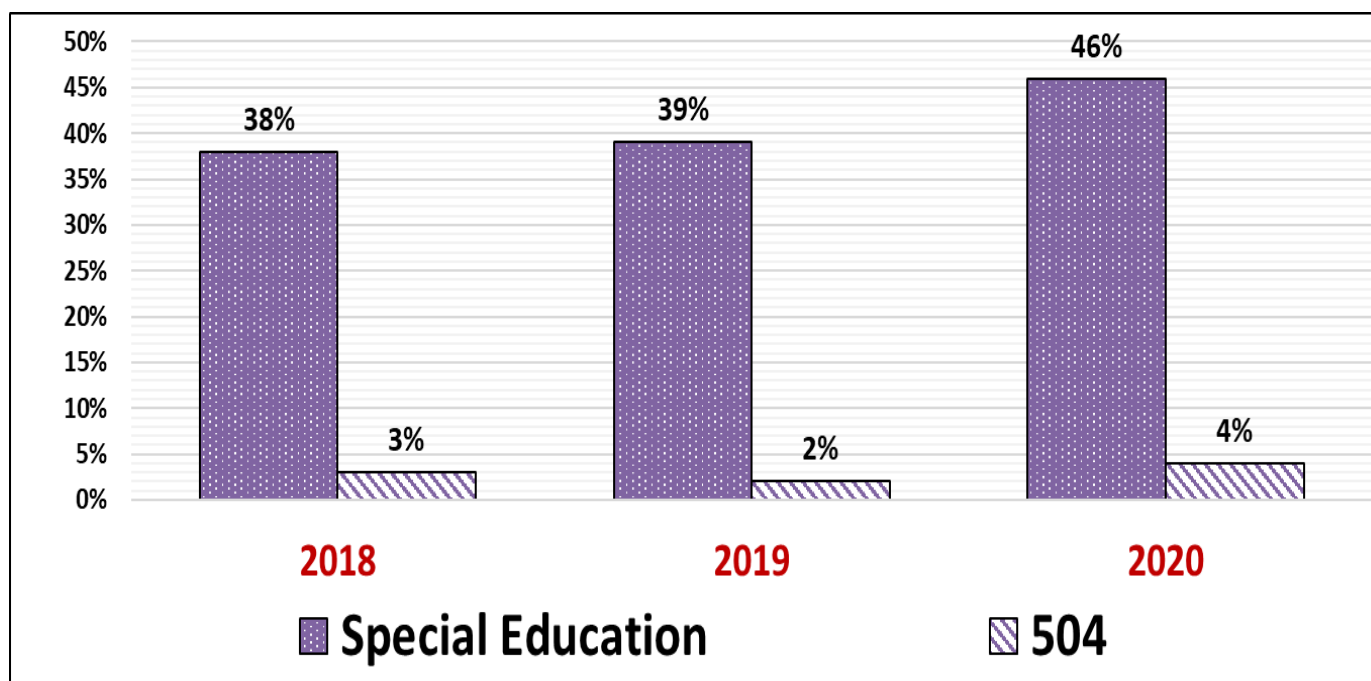
Illustrated below are referrals to the Division Superintendent and recommendations for reassignment considered by the Hearings Office during the 2019-20 school year for general education students, special education students, and students with active 504 plans.





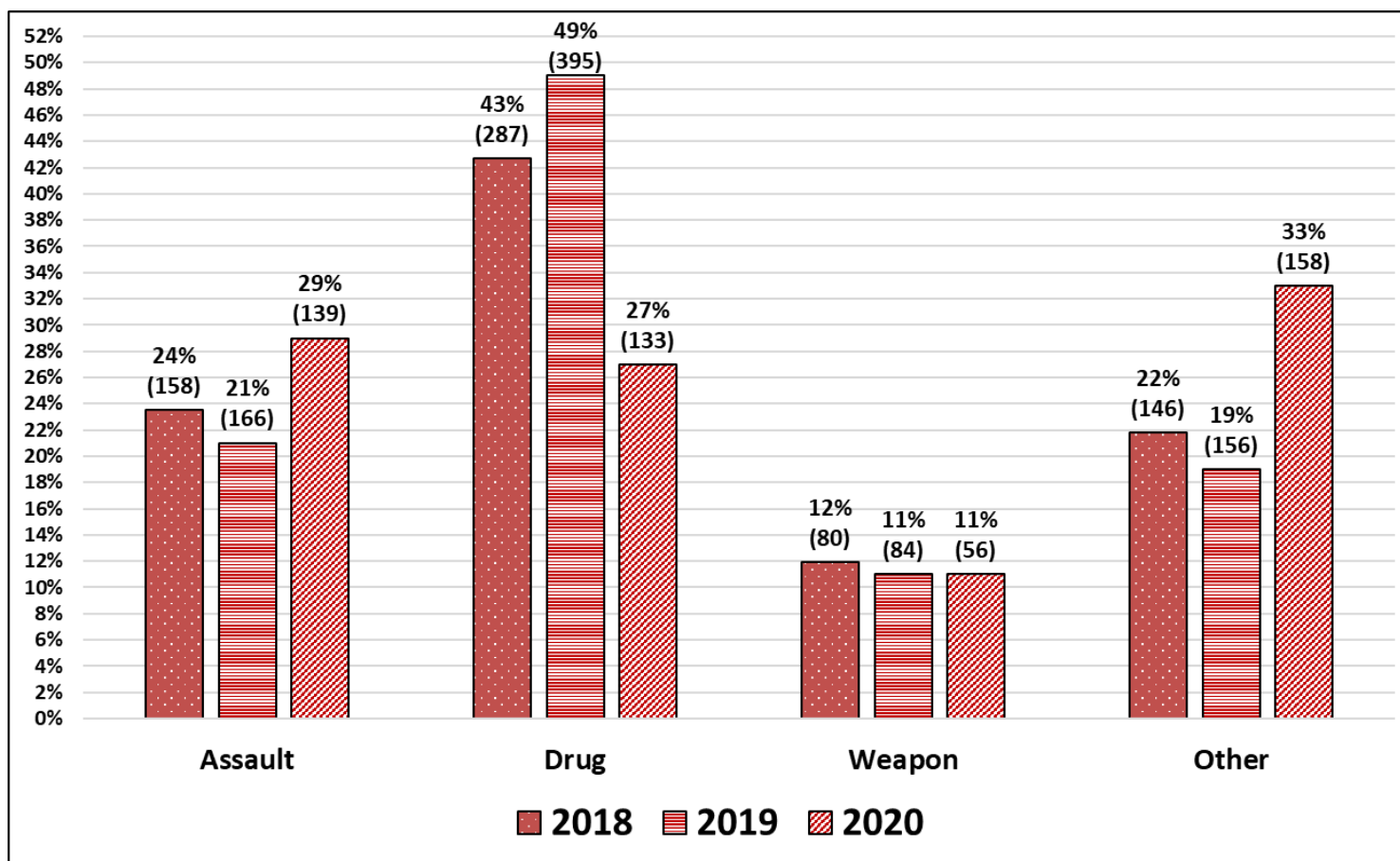
## ***Students with Disabilities***

Illustrated below (with two prior years for comparison) is the percentage of referrals to the Division Superintendent and recommendations for reassignment considered by the Hearings Office during the 2019-20 school year for students who receive special education services or accommodations or assistance under Section 504 of the Rehabilitation Act.



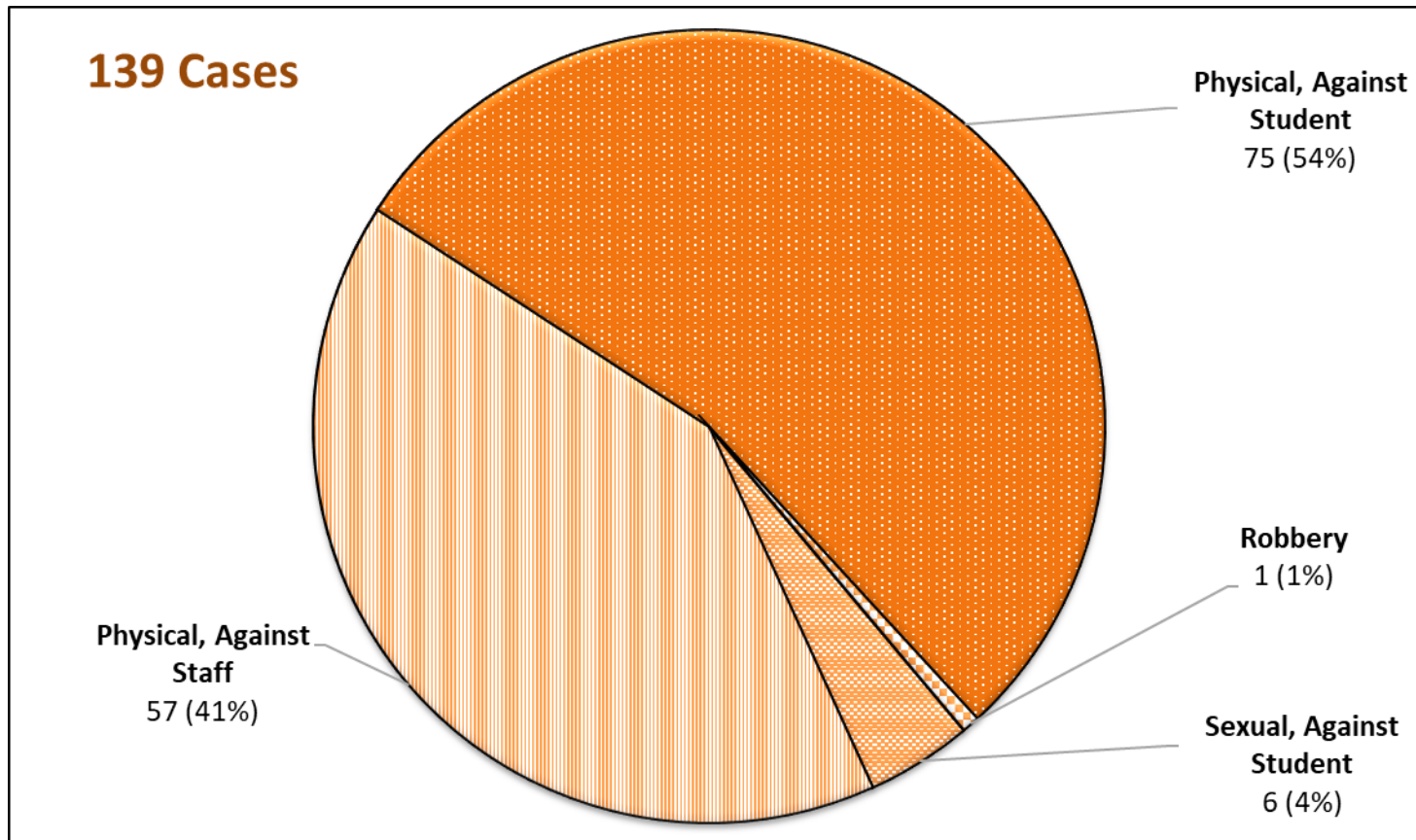
## Violations Overview

Violations resulting in referrals to the Division Superintendent that were considered by the Hearings Office during the 2019-20 school year are illustrated below with the two prior years for comparison.



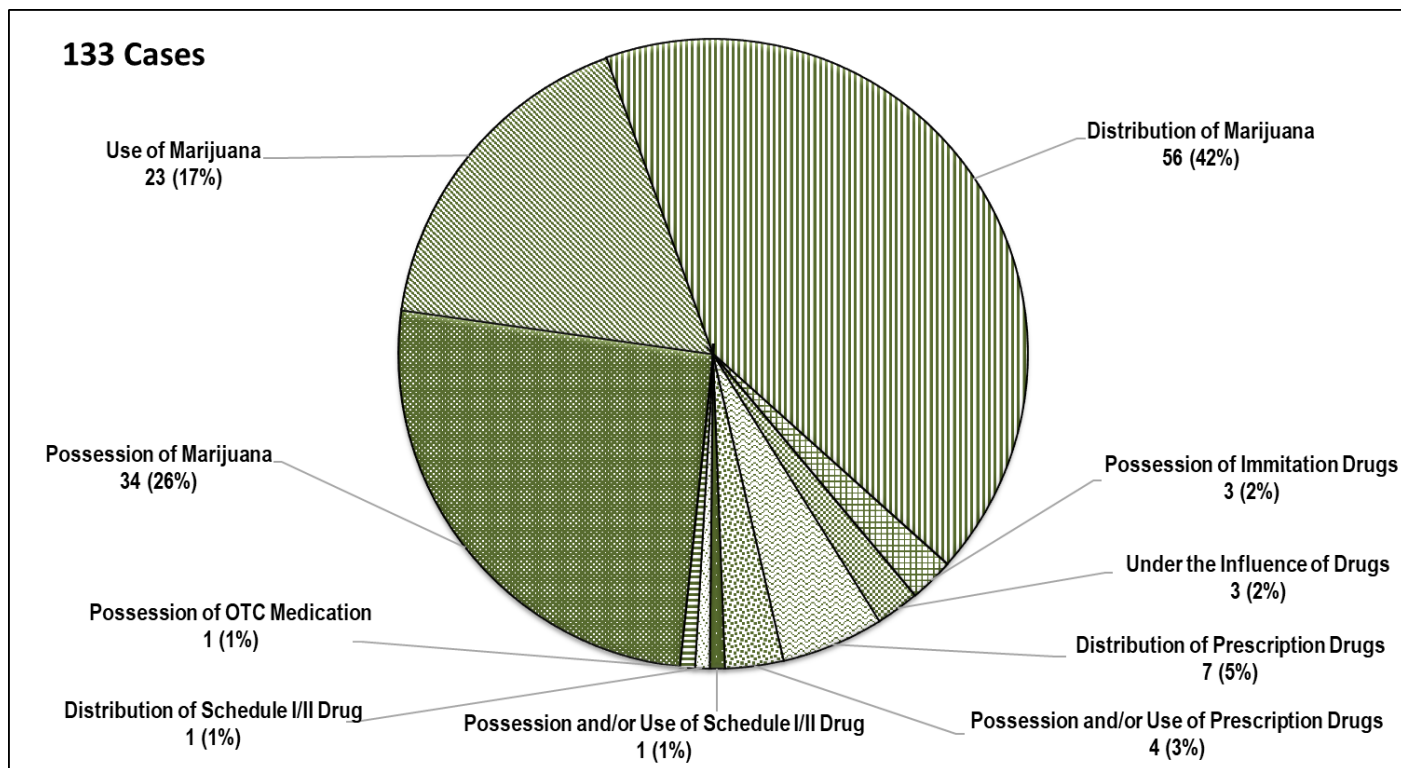
## ***Assault Violations***

Illustrated below are the referrals to the Division Superintendent that were considered by the Hearings Office during the 2019-20 school year in which the primary violation was assault related.



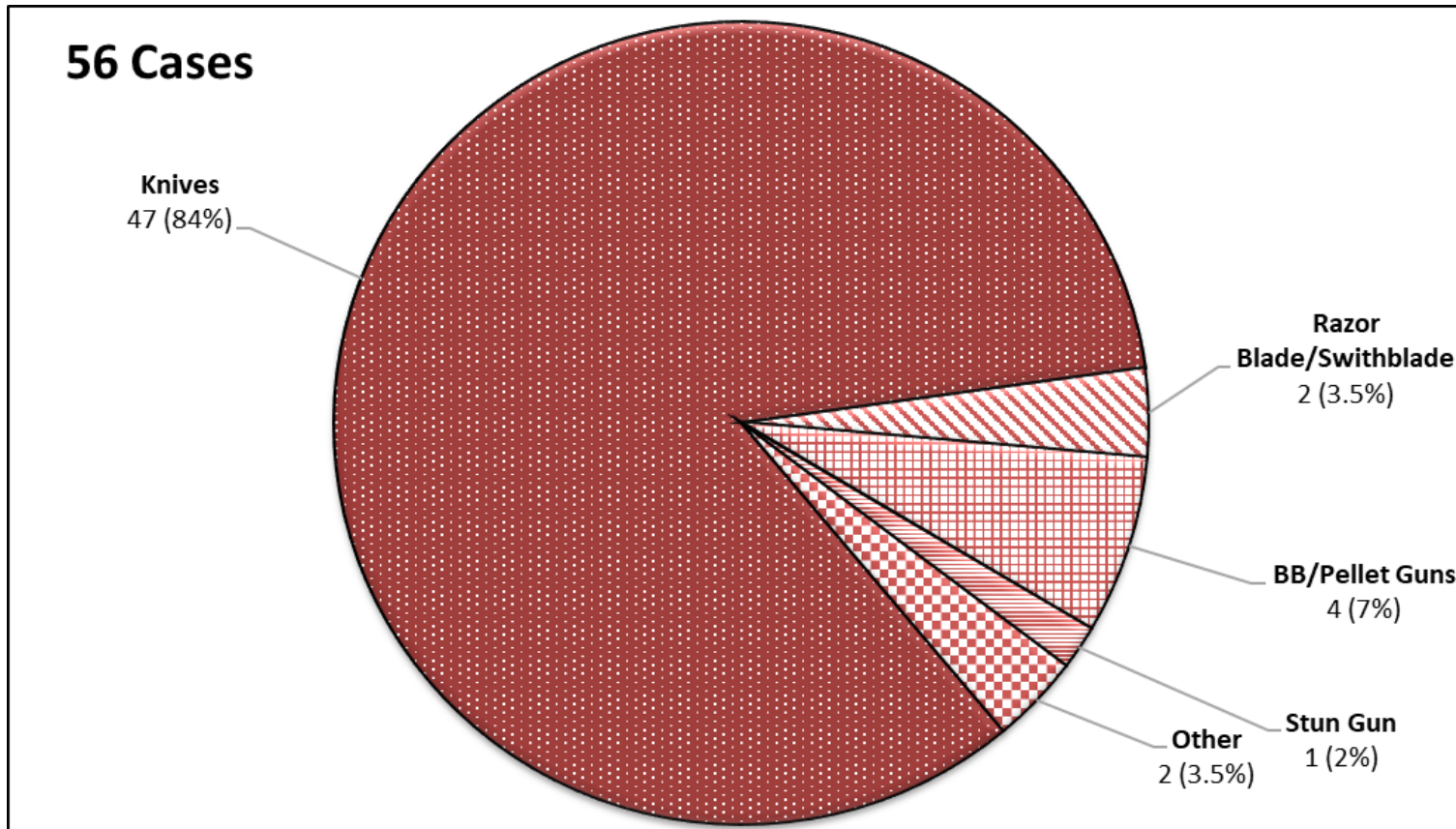
## ***Drug Violations***

Illustrated below are the referrals to the Division Superintendent that were considered by the Hearings Office during the 2019-20 school year in which the primary violation was drug-related.



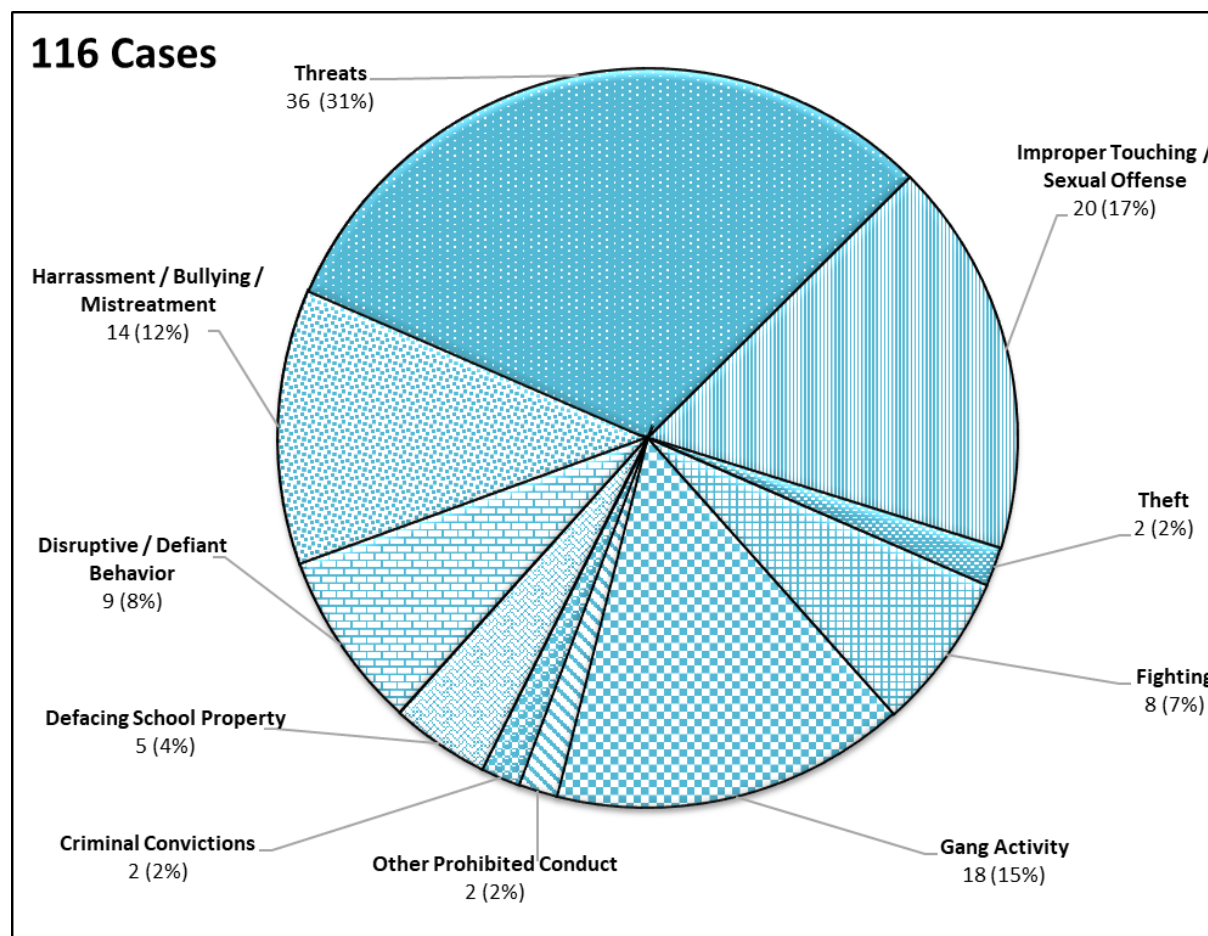
## ***Weapon Violations***

Illustrated below are the referrals to the Division Superintendent that were considered by the Hearings Office during the 2019-20 school year in which the primary violation was weapon-related.



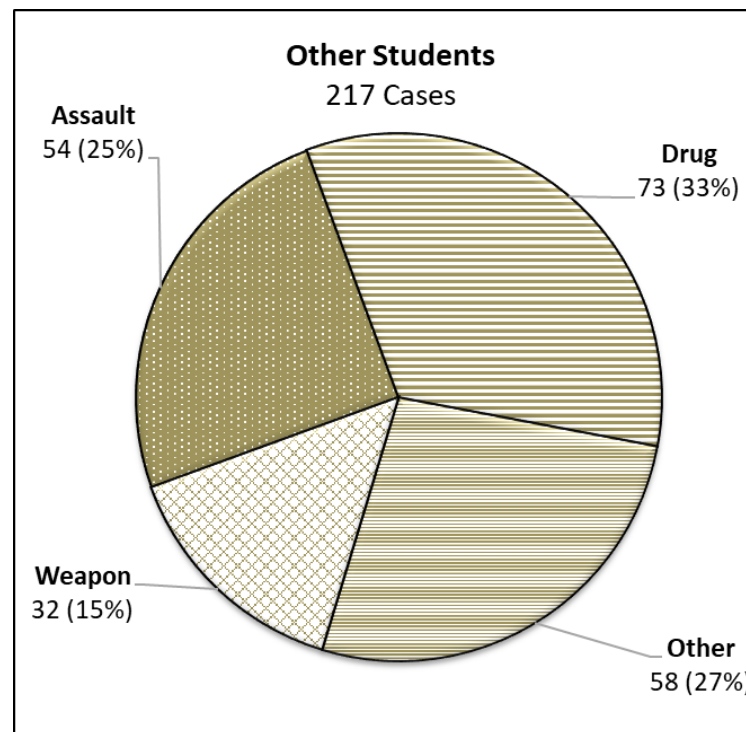
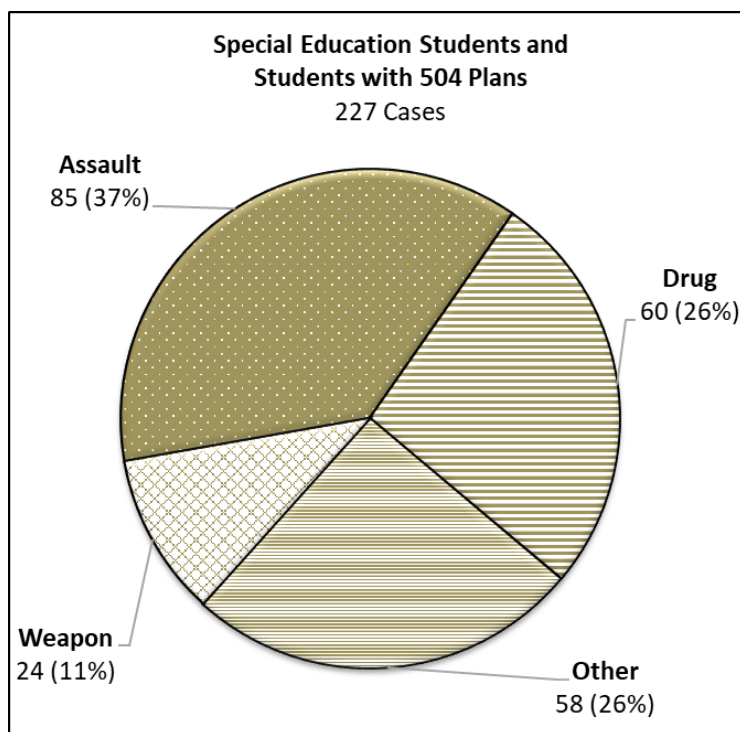
## Other Violations

Illustrated below are the referrals to the Division Superintendent that were considered by the Hearings Office during the 2019-20 school year in which the primary violation was not related to assault, weapons, or drugs.



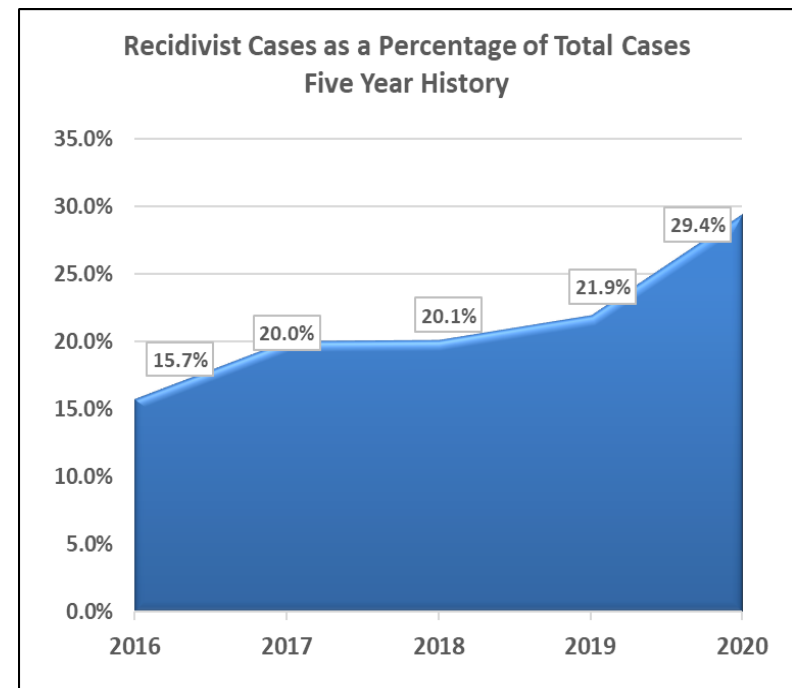
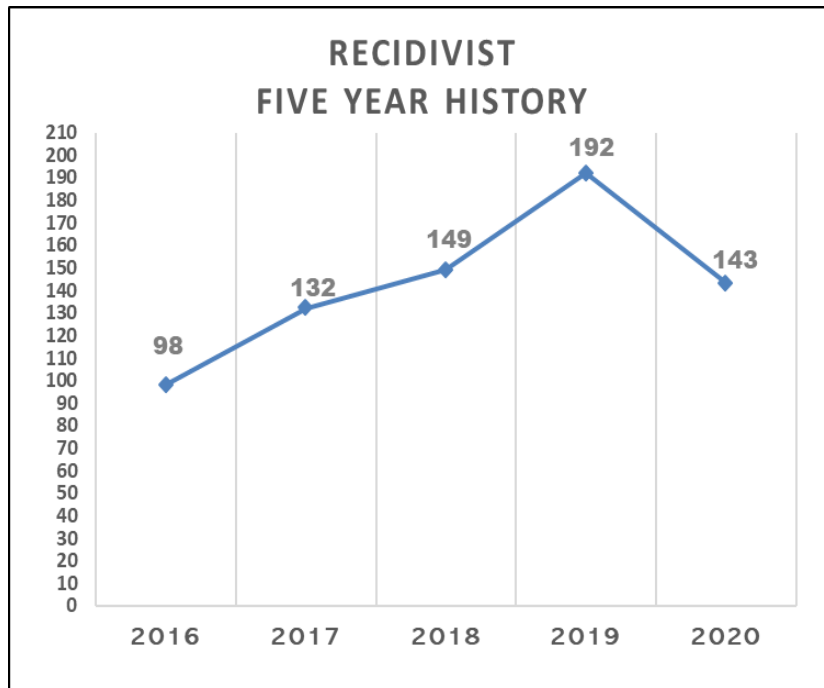
## ***Referrals to the Division Superintendent***

Illustrated below are the types of violations resulting in referrals to the Division Superintendent during the 2019-20 school year for students who received special education services or accommodations under Section 504 of Rehabilitation Act, compared with students who did not receive such services or accommodations.



## ***Recidivism***

One hundred forty-three (143) cases were submitted to the Hearings Office during the 2019-20 school year for one hundred twenty-nine (129) students who had had previous disciplinary hearings.





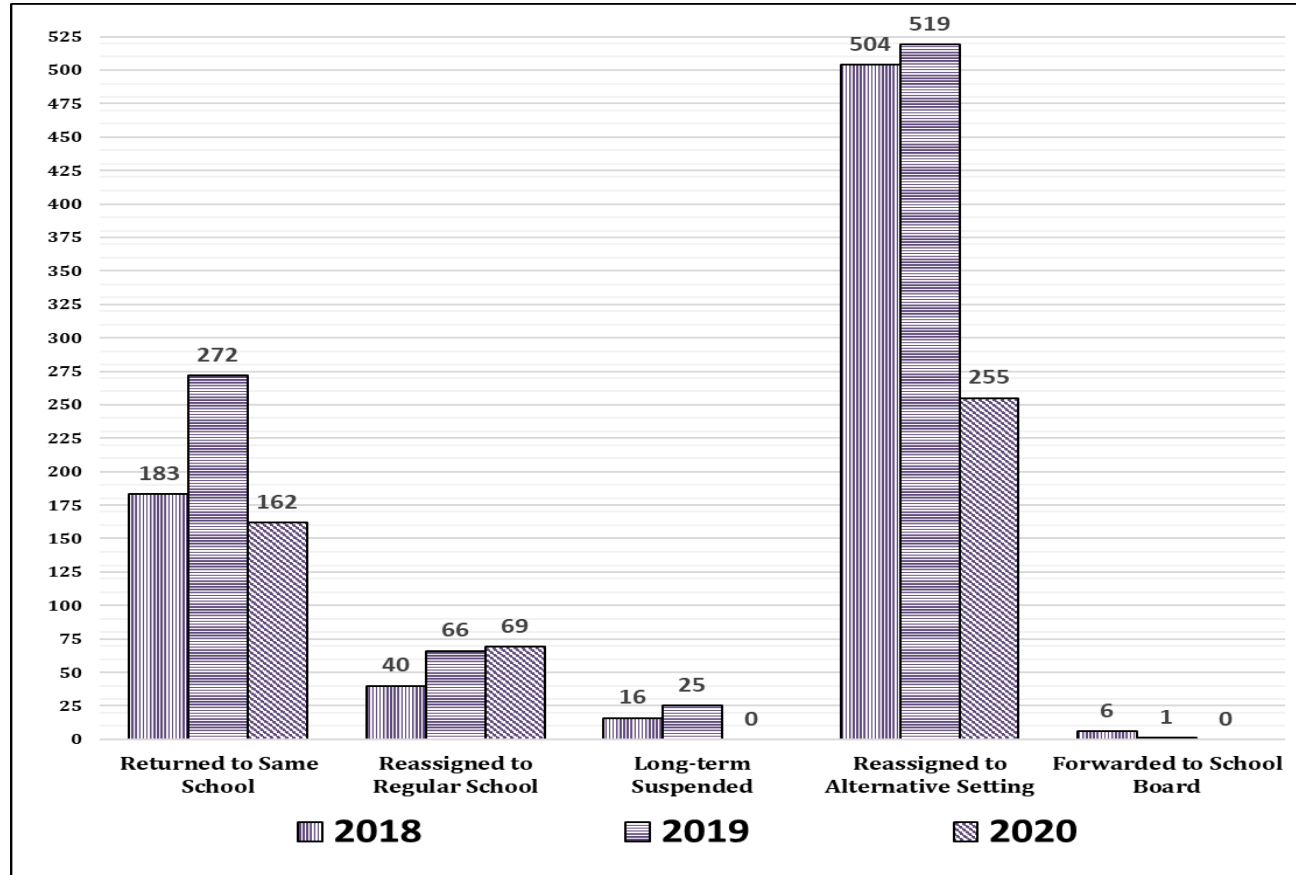
## ***Case Decisions by Hearings Office***

Four hundred forty-six (486) disciplinary referrals and recommendations were considered by the Hearings Office during the 2019-20 school year, resulting in the following dispositions.

<b>Returned to Same School</b>	<b>162</b>	<b>Reassigned to Alternative Setting</b>	<b>255</b>
<b>Reassigned to Regular School</b>	<b>69</b>	Achievement, Integrity, and Maturity	25
<b>Forwarded to School Board</b>	<b>0</b>	Alternative High School	25
		Alternative Learning Center	66
		Alternative setting by IEP	115
		Transition Support Resource Center	21
		Unspecified due to withdrawal	3

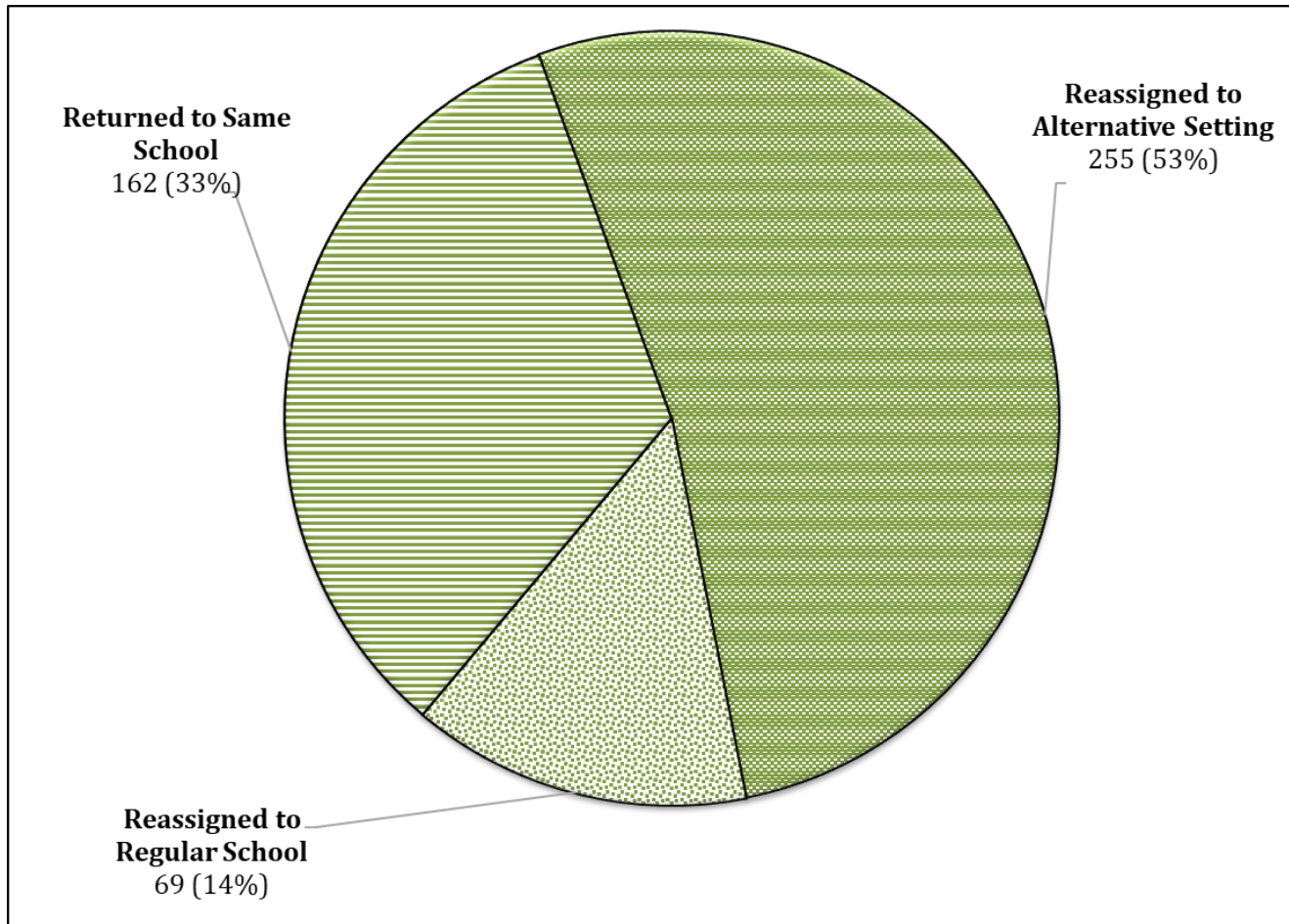
## ***Case Decisions by Hearings Office***

The Hearings Office case decisions for the 2019-20 school year are illustrated below with the two prior years for comparison.



## ***Case Decisions by Hearings Office***

The Hearings Office case decisions for the 2019-20 school year are illustrated below.



## ***School Board Summary 2019-20***

<b>School Board Actions</b>	<b>22</b>
<b>Full School Board</b>	<b>22</b>
Written record appeal of reassignment decision	22
Unappealed expulsion recommendation	0
<b>School Board Committees</b>	<b>0</b>

## ***School Board Decisions***

Twenty-two cases were considered by the School Board during the 2019-20 school year, resulting in the following dispositions.

<b>Expelled - No FCPS Services</b>	<b>0</b>	<b>Reassigned to Alternative Setting</b>	<b>16</b>
<b>Returned to Same School</b>	<b>5</b>	Alternative High School	5
<b>Reassigned to Regular School</b>	<b>1</b>	Alternative Learning Center	6
		Alternative setting by IEP	5

### **Page 3 – Total Hearings 2011-20**

Title: Total Hearings 2011-20

Description:

The line chart illustrates the total number of hearings conducted each year from 2011 to 2020. There were 611 disciplinary referrals submitted to the Division Superintendent in 2011, and the number of referrals decreased gradually each year to 507 in 2014. The following year, the number of referrals increased and continually increased yearly to 883 in 2019. There was a considerable decrease to 492 cases received in 2020.

### **Page 4 – Total Hearings 2011-20**

Title: Referrals and Recommendations 2011-20

Description:

The line graph illustrates the total number of disciplinary referrals and recommendations submitted to the Division Superintendent between 2011 and 2020. The number of referrals slowly declined between 2011 and 2014, and then steadily increased to 876 in 2019. The number decreased to only 444 referrals for 2020. The number of reassignment and exclusion recommendations have remained low over the 10-year span, there was a slight increase in reassignment recommendations starting in 2012, but the total number still remained low with only 42 reassignment recommendations in 2020. Exclusion recommendations were below 25 over the 10-year span with only 6 cases in 2020.

### **Page 5 – Total Hearings 2018-20**

Suggested Title: Referrals and Recommendations 2018-20

Description:

The bar chart illustrates the total number of disciplinary referrals and recommendations submitted to the Division Superintendent between school years 2017-18 and 2019-20. The bar chart shows an increase in the referrals from 671 in 2018 to 801 in 2019, and a decrease to only 444 in 2020. The exclusion recommendations remained the same at 7 in 2018 and 2019, and 6 in 2020. There was a decrease in recommendation for reassignments from 71 in 2018 to 42 in 2020.

### **Page 6 – Total Hearings through March 13, 2018-20**

The bar chart illustrates the total numbers of cases received for July 1 through March 13 of the 2017-18 school year through the 2019-20 school year. 505 cases were submitted during 2017-18, 572 during 2018-19, and 478 during 2019-20.

### **Page 7 – Gender**

Suggested Title: Referrals and Recommendations by Gender

Description:

The bar graph illustrates the gender distribution for referrals and reassignment recommendations submitted to the Division Superintendent between school years 2018-19 and 2019-20. The bar graph shows an increase in the number of disciplinary referrals and recommendations for both male and female students between 2018 and 2019; and a decrease in both male and female in 2020. However, the number of referrals and recommendations for male students remain at a considerably higher rate of 79% compared to 21% for female students in 2020.

### **Page 8 – Ethnicity and Race**

Suggested Title: Referrals and Recommendations by Ethnicity and Race

**Description:**

The two bar graphs illustrate the ethnic/racial subgroups distribution, comparative to the percentage of student population, for referrals and reassignment recommendations submitted to the Division Superintendent between school years 2017-18 and 2019-20. As was true in previous school years, less than 1% of students in each of the ethnic and racial subgroups were referred to the Hearings Office. Overall, non-Hispanic Black students have the highest referral rate, followed respectively by Hispanic, Non-Hispanic White, and Asian students.

**Page 9 – Grade**

Suggested Title: Referrals and reassignment recommendations by Grade

**Description:**

The bar graph illustrates the grade distribution of referrals and reassignment recommendations submitted to the Division Superintendent over a three-year period from school years 2017-18 to 2019-20. While the number of cases for each grade level from 6 through 12 increased from 2017-18 to 2018-19, as the number of cases declined in 2019-20 so did the number of cases in each grade level. The only exception to this was for 4th grade, in which more 4th grade students were referred or recommended in 2019-20 than were the previous school year.

**Page 10 – Kindergarten–Grade 6**

Suggested Title: Kindergarten through Grade 6 Referrals

**Description:**

The two bar graphs illustrate the total number of elementary school (grades K-6) referrals and reassignment recommendations submitted to the Division Superintendent over a three-year period from school years 2017-18 to 2019-20. The number of referrals slightly increased from 61 in 2018 to 68 in 2019; and then decreased to 44 (approximately 0.05% of the K-6 population) in 2020.

**Page 11 –Grade 7 and 8**

Suggested Title: Grade 7 and 8 Referrals

**Description:**

The two bar graphs illustrate the total number of middle school (grades 7-8) referrals and reassignment recommendations submitted to the Division Superintendent over a three-year period from school years 2017-18 to 2019-20. Overall, there was an increase in the number of referrals from 2018 to 2019. Approximately 0.39% of all FCPS Grade 7 and 8 population were referred to the Division Superintendent for disciplinary action in 2020, which is equivalent to 113 students.

**Page 12 – High School**

Suggested Title: High School Referrals

**Description:**

The two bar graphs illustrate the total number of high school (grades 9-12) referrals and reassignment recommendations submitted to the Division Superintendent over a three-year period from school years 2017-18 to 2019-20. The total number of referrals for high school students is higher in 2019 compared to the previous year. In 2020, 329 high school students were referred to the Division Superintendent or recommended for reassignment, which is equivalent to 0.55% of all FCPS high school population.

**Page 13 – Special Education and General Education**

Suggested Title: Special Education and General Education Referrals

Description:

The pie chart illustrates the percentages of disciplinary referrals and reassignment recommendations submitted to the Division Superintendent for students who received general education services, special education services, and accommodations or assistance under Section 504 of the Rehabilitation Act, during the 2019-20 school year. The pie chart shows that 226 referrals, an equivalent of 46%, were for students who received special education services; 18 referrals, an equivalent of 4%, were for students who received 504 Plan assistance or accommodations; and 242 referrals, an equivalent of 50%, were for students who received general education services only.

**Page 14 – Students with Disabilities**

Suggested Title: Referrals of Students with Disabilities

Description:

The bar graph illustrates the percentages of referrals and reassignment recommendations submitted to the Division Superintendent for students who received special education services and accommodations or assistance under Section 504 of the Rehabilitation Act over a three-year period from school years 2017-18 to 2019-20. During the 2019-20 school year, 46% of referrals were students who received special education services and 4% of the referrals were for students who received 504 Plan assistance or accommodations, which represents an increase from the 2 previous years.

**Page 15 – Violations Overview**

Title: Violations Overview

Description:

The bar graph illustrates the percentages of referrals submitted to the Division Superintendent over a three-year period from school years 2017-18 to 2019-20, disaggregated by the offense type. Referrals due to drug violations remains the highest percentage of referrals over the three-year, followed by assault-related violations, other violations, and weapons-related violations.

**Page 16 – Assault Violations**

Title: Assault Violations

Description:

The pie chart illustrates the percentages of disciplinary referrals submitted to the Division Superintendent during the 2019-20 school year resulting from assault-related violations, disaggregated by assault offense type. Among the 139 cases of assault violation during the 2019-20 school year, physical assault against student represented 54% of the assault-related referrals submitted to the Division Superintendent, followed by physical assault against staff members (41%), sexual assault against students (4%), and robbery (1%).

**Page 17 – Drug Violations**

Title: Drug Violations

Description:

The pie chart illustrates the percentages of disciplinary referrals submitted to the Division Superintendent during the 2019-20 school year, resulting from drug-related violations, disaggregated by the drug offense type. Referrals resulting from possession, distribution, or use of marijuana remains the highest percentage of drug-related referrals. Out of the 133 total drug-related cases, 56 cases or 42 % were referred due to the distribution of marijuana; 34 or 26% were related to the possession of marijuana; and 23 or 17% were for use of marijuana. The remaining cases were all less than 5% each, with 7 cases for distribution of prescription



drugs, 4 for the possession/use of prescription drugs, 3 for possession of imitation drugs, 3 for being under the influence of drugs, 1 for distribution/possession of over-the-counter medication, 1 for distribution of Schedule I/II drug, and 1 for possession/use of a Schedule I/II drug.

### **Page 18 – Weapon Violations**

Title: Weapons Violations

Description:

The pie chart illustrates the percentages of disciplinary referrals submitted to the Division Superintendent during the 2019-20 school year, resulting from weapon-related violations, disaggregated by the weapon offense type. The chart shows that out of the 56 weapons-related referrals, 47 of the cases were for knives; 4 were for pneumatic BB guns; 2 were for razor blades; and 1 was a stun gun.

### **Page 19 – Other Violations**

Title: Other Violations

Description:

The pie chart illustrates the percentages of disciplinary referrals submitted to the Division Superintendent during the 2019-20 school year, resulting from other violations unrelated to assaults, weapons, or drugs. Other violations include threats, sexual offense, gang activity, disruptive behavior, harassment, disruptive/defiant behavior, defiance of school property, theft, arson, other prohibited conduct, and criminal convictions. The chart shows that out of the 116 referrals, 36 were for threats; 20 were for improper touching/sexual offense, 18 were gang activity, 14 were harassment/bullying; 9 were for disruptive/defiant behavior; 8 were for fighting; 5 were for defacing school property; 2 were for theft; and 2 were for a criminal conviction. Other various violations account for approximately 2% of the total, which is an equivalent of 2 cases.

### **Page 20 – Referrals to the Division Superintendent**

Suggested Title: Referrals for Students in Special Ed and General Ed

Description:

The two pie charts illustrate the percentages and numbers of disciplinary referrals submitted to the Division Superintendent for students who received special education services, and accommodations or assistance under Section 504 of the Rehabilitation Act comparative to students who received general education services, during the 2018–19 school year, disaggregated by offense type. The chart shows that of the 227 cases for students who received special education services, and 504 Plan accommodations or assistance, 85 or 37% were for assault-related violations; 60 or 26% were for drug-related violations; 58 or 27% were for weapon other violations; and 24 or 11 % were for weapon-related violations. The chart for students receiving general education services shows that out of the 217 cases, 73 or 33% were for drug-related violations; 58 cases or 27% were for other violations; 54 or 25% were for assault-related violations; and 32 cases or 15% for weapon-related violations.

### **Page 21 – Recidivism**

Suggested Title: Recidivism in Past Five Years

Description:

The two line charts illustrate the total number and percentages of disciplinary referrals and reassignment recommendations submitted to the Division Superintendent that were recidivists over a five-year period from school years 2015-16 to 2019-20. The line graphs show that, overall, there has been a gradual increase in the

recidivism rate as a total percentage of recommendations and referrals submitted to the hearings office over the five-year period, from 98 cases (15,7% to the total cases) during the 2015-16 to 143 cases (29,4% of the total cases) during the 2019-20 school year.

### **Page 23 – Case Decisions by Hearings Office**

Suggested Title: Case Decisions by Hearings Office (three-year comparison)

#### **Description:**

The bar graph illustrates the Hearings Office decisions for referrals and reassignment recommendations submitted to the Division Superintendent over a three-year period from school years 2017-18 to 2019-20. The case decisions for the 2019-20 school year compared to two prior years show that students reassigned to alternative settings remains the highest of all, followed respectively by return to the same school, reassigned to a different regular school, long-term suspended, and forwarded to the School Board.

### **Page 23 – Case Decisions by Hearings Office**

Suggested Title: Case Decisions by Hearings Office

#### **Description:**

This pie chart illustrates the percentage of Hearings Office case decisions for disciplinary referrals and reassignment recommendations submitted to the Division Superintendent during the 2019-20 school year. From the total 486 hearings conducted during the 2019-20 school year, 53% of the case decision were reassignments to an alternative school, 33% were return to same schools, 14% were reassignment to a different regular school.