

Advisory Committee for Students with Disabilities (ACSD) - Fairfax County Public Schools  
EXTRA MEETING Wednesday, May 18, 2022, 7:00 - 8:00 p.m.

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Summary of Business Conducted:

- The ACSD voted to approve its Response and Recommendations document to the proposed 2022 SR&R document. [Approved document appended.]
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**Executive Committee:**

Chair, Harry Henderson

Vice Chair, Elizabeth Zielinski

Secretaries, Ally Baldassari (Recording) and Lauren McCaughey (Corresponding)

**Member Attendance:** A quorum of voting members was confirmed by Recording Secretary Ally Baldassari with 15/28 voting members attending this specially-scheduled meeting. Many members reported previously-scheduled conflicts. The record of attendance is appended.

**Liaisons/FCPS Guests:**

Mike Bloom, Director, Office of Special Education Instruction

Michelle Boyd, Assistant Superintendent for The Department of Special Services

Deb Scott, Director, Intervention & Prevention

Laura Jane Cohen, School Board Liaison

**Business Meeting Agenda date:**

1. Call to Order, Harry Henderson, Chair
2. Policy and Regulations Subcommittee presentation of their draft response
  - a. Chair Susan Edgerton displayed the Policy and Regulations Subcommittee draft response and recommendations to the SR&R proposed updates. This draft was emailed to the committee by noon on May 16, 2022. There were mild revisions during their subcommittee meeting today. During their subcommittee meeting they included consideration of submissions from Brandis Ruise, Chair of the Student Outcomes and Achievement Subcommittee, and Amanda Campbell.
  - b. Brandis Ruise's document had also been shared with the Committee on May 16th, and contained questions regarding the SR&R. Ms. Ruise agreed to enter the questions for the Spring Questions for the Record. Otherwise her subcommittee's concerns were addressed in Ms. Edgerton's draft document.
  - c. Amanda Campbell reviewed all of her proposed additions to Ms. Edgerton's draft response, which represented six additional recommendations.

- i. Ms. Campbell agreed to withdraw her recommendation regarding changing language from “parent” to “family” throughout the document.
  - ii. A friendly edit was proposed to Ms. Campbell’s recommendation regarding the section “Cell Phones” [Chapter I (O)] which provides new restrictions on cell phone usage. The friendly amendment was accepted by Ms. Campbell.
  - iii. There was much discussion over Ms. Campbell’s recommendation regarding Chapter II (D)(5), final paragraph, which provides protections for students with IEPs who are reassigned schools for disciplinary reasons when the reassignment results in a change of placement. Ms. Campbell had proposed a recommendation to protect all students with IEPs who are reassigned for disciplinary reasons even when there is no change in placement, providing family input into the new school assignment. Dr. Boyd clarified that the only reason a student would be reassigned to a different school, without a change in placement, would be as a result of a disciplinary hearing in which there was a threat of further harm to a victim. IEP teams do not make changes in assignment for disciplinary reasons if no change in placement is involved. The committee decided to recommend that DSS clarify this for families, make sure that parents still have input in the location of their new assignment, and to convene the IEP team to make sure the student has adequate services and support at the new assignment to prevent additional incidents. The motion to accept this revision to Ms. Campbell’s recommendation was approved unanimously. [Revised recommendation is recommendation #19 in the final document; appended.]
3. Vote to accept the amended document, “SR&R 2022 Review - Response and Recommendations“, was unanimous.
  4. Adjournment - 8:12

Member	Name	Organization/Representing	01-01-20	01-01-21	01-11-21	01-11-22	02-02-22	02-02-22	02-02-22	02-02-22	02-02-22	2022-05-18	2-02-22
Ally	Baldassari	SEPTA	V	V	V	V	V	V	V	V	V	V	
Amanda	Campbell	Sprinfeld District-Laura Jane Cohen	IP	IP	V	V	V	V	V	V	V	V	
Ann Marie	Ward	Fairfax County Council of PTA	V	V	V	V	V	V	V	V	V	E	
Brandis	Ruise	Disabilities Services Board	IP	IP	IP	V	V	V	V	V	V	V	
Brianne	Russell-Morris	PoAC-NoVA		V	V	V	V	V	V	V	V	V	
Darcy	Acquavella	City of Fairfax School Board		V	V	V	V	V	V	V	V	V	
Deane	Kiley	Preschool	NY	Y	N	Y	V	E	V	V	V	V	
Elizabeth	Zielinski	Assistive Technology	V	V	V	V	V	V	V	V	V	V	
Harry	Henderson	Mason District-Ricardy Anderson	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	
Jennifer	Benecke	Lee District-Tamara Derenak Kaufax	NY	Y	N	Y	IP	V	E	E	V	V	
Joanne	Walton	Faculty	E	E	IP	IP	R	R	R	R	R	R	R
Joe	Alston	Region 2-Fabio Zuluaga-Assistant Superintendent	NY	Y	N	Y	IP	V	V	V	V	V	
Lauren	McCaughey	Hunter Mill District-Melanie Meren	IP	IP	V	V	V	V	V	V	V	V	
Linda	Mason	Higher Education		V	V	V	V	V	V	E	E	V	
Lissy	John	Dranesville District-Elain Tholen		V	V	V	V	V	V	E	V	V	
Liz	Brocato	Braddock District-Megan McLoughlin		V	V	V	V	V	V	V	V	V	
Mary	Hackman	Providence District-Karl Frisch		V	V	V	V	V	E	V	V	V	
Michael	Simon	Sully District-Stella Pekarsky	IP	IP	V	V	V	V	V	V	V	V	
Nicole	Zupan	Faculty	NY	Y	N	Y	NY	NY	NY	IP	V	V	
Phara	Rodrigue	Mount Vernon District-Karen Corbett Sanders		V	V	V	V	V	V	V	V	V	
Rachel	Macias	Region 4-Jay Pearson-Assistant Superintendent	V	V	V	V	V	V	V	V	V	V	
Sanaa	Bouzit	Member at Large-Abrar Omeish	IP	IP	V	E	IP	V	IP	IP	IP	V	
Sandi	Dalhoff	Department of Neighborhood and Community Service		V	V	V	V	V	V	V	V	V	
Shannon	Duncan	Decoding Dyslexia Virginia	NY	Y	N	Y	NY	NY	NY	Y	V	V	
Stephanie	Bailey	Fairfax/Falls Church Community Services Board	V	V	V	V	V	V	V	V	V	V	
Susan	Edgerton	Member at Large-Rachna Sizemore-Heizer		V	V	V	IP	V	V	V	V	V	
Tania	Damavandy	Region 1-Douglas Tyson-Assistant Superintendent	NY	Y	N	Y	V	V	V	V	V	V	
Vivienne	Goldstein	Fairfax County Health Department	V	V	V	V	V	V	E	V	V	V	
Zahraa	Hassan	Student Representative	IP	IP	V	E	V	V	V	V	V	V	
Vacant		Member at Large-Karen Keys Gamarra											
Vacant		Region 3-Nardos King-Assistant Superintendent											
Vacant		Region 5-Rebeca Baenig-Assistant Superintendent											
Vacant		Federation of Citizens											
Vacant		League of Women Voters											
Vacant		Transition Services											
V	Attended virtually												
IP	Attended in person												
E	Excused absence												
NYA	Not yet appointed; hadn't been appointed to this position at the time of the meeting												
R	Resigned from the ACSD.												
Please note that attendance was not required of returning members at the 9-08-2021 Orientation.													
5-18-2022 was an extra scheduled meeting for the purpose of crafting the ACSD response to the proposed SR&R update.													

## SR&R 2022 Review - Response and Recommendations

Advisory Committee for Students with Disabilities

May 18, 2022

The Advisory Committee for Student with Disabilities (ACSD) thanks the Department of Special Services for providing the Student's Rights and Responsibilities (SR&R) document to the ACSD for review. Involvement of the ACSD is imperative, as according to FCPS's own 2019 study, students with disabilities (SWDs) receive discipline referrals at a rate 3.5 times that of their non-disabled peers.<sup>1</sup> SWDs often struggle with impulse control, sensory and emotional regulation, lags in social and emotional development and communication, increased propensity towards fight-flight-freeze responses, and impairment in understanding the consequences of their actions. This is true whether or not the school finds an incident of misconduct to be a manifestation of disability using the strict criteria utilized in a Manifestation Determination Review. Excluding a student from school *who is already struggling* not only makes the student feel isolated and misunderstood, but that student has a family who is likely to feel a lack of welcoming and acceptance from their school community.

The ACSD believes the disproportionality of disciplinary referrals for SWDs require FCPS to more clearly define terms such as "frequency and intensity" of behavior which allow great principal discretion. It also means decreasing the use of the most exclusionary disciplinary practices, particularly out-of-school suspension, which is associated with a variety of adverse outcomes for students.

It is critical to collect and analyze data on disciplinary referrals disaggregated by race, ethnicity, age, grade, school, and disability category to allow all students to succeed. Before suspending SWDs, FCPS must proactively address the underlying causes of behaviors including making greater use of mental health professionals, ABA coaches, behavior intervention teachers, IEP teams, parent training/parent partnerships, functional behavior assessments, and behavioral improvement plans for lower-level behaviors.

Below are ACSD's specific recommendations for revising the SR&R. ACSD additionally endorses the [May 9, 2022 letter from the FCPS Special Education PTA](#) to the school board.

### Recommendations

1. Add language to the document's introduction: "FCPS is committed to severe limitations on exclusionary disciplinary practices. Out-of-school suspensions have been associated with failure to pass SOLs, advance to the next grade, and graduate FCPS. But more importantly the time a student spends outside of school could be used for identifying lagging skills and unsolved problems; meeting with counselors, social workers, and psychologists; collaborative

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<sup>1</sup> Office of Research and Strategic Improvement (ORSI), June 2019. [Student Behavior, Discipline, and Disproportionality: Phase 3 Executive Summary](#). Fairfax County Public Schools.

and proactive problem solving; and considering restorative practices that might help the student re-integrate into a supportive school community.”

2. Add to Chapter I, “Rights and Responsibilities of Students”, p.9: The right to **accessibility**. This should be further defined in the sections following to include “equitable access to the learning environment, educational materials, extracurricular activities, and all benefits of a school community.”
3. Reword Chapter I (B), “Right to Notice in Age-Appropriate Manner”, p.10: “All students may expect communication from staff that meets their needs both with regards to age and any modifications/adaptations necessary for accessibility.”
4. Add to Chapter I (I)(2), “Chronic Absence”, p.15: “Chronic absence may be caused by school avoidance. If no other causes are identified (medical diagnosis, major illness or death in the immediate family, exposure to bullying, etc.), addressing a SWD’s attendance must include a functional behavioral assessment. For students not identified, the student will be referred to the local screening committee to determine eligibility for special services.”
5. Reword Chapter I (J), “Responsibility for Pledge”, p.15: “The Pledge of Allegiance and a moment of silence will be observed daily at each school at the direction of the principal.”
6. Add to Chapter I (M), page 15: “Students have the right to a safe, trusting, **accessible**, and positive physical and virtual learning environment that is free from harm.”
7. Chapter I (O), “Cell Phones”, p.17: The ACSD disagrees with the new cell phone restrictions. FCPS has long embraced the use of cell phones for academics, executive functioning support, medical monitoring, emotional support, and other purposes. For SWDs, use of cell phone apps is often explicitly encouraged even when it is not noted in the IEP. The decision to assign consequences for some students’ use is likely to add to staff and students’ perceptions that consequences are not applied with consistency, and may further stigmatize students with disabilities and medical conditions. It may also lead to unnecessary discipline, as all staff members can’t be aware of every student’s 504 and IEP accommodations.
8. Chapter II, “Leveled Responses to Student Behaviors”, p. 21: Define “frequency” and “intensity” to ensure more consistency in application of principal discretion for suspension.<sup>2</sup>
9. Chapter II, p. 21: Eliminate principal discretion to suspend for BAP-1 and BAP-2.
10. Chapter II, “SBAR Codes”, pp.22-7: Retain language as “K-6” rather than “K-3” as proposed throughout the charts. ACSD is unclear of any developmental rationale for excluding students grades 4-6 from access to the lower-tiered responses.
11. Chapter II, Level/Responses guide, p.29: Move the final two bullet points in “Level 3 Responses”. “Referral to local screening committee...” and “Referral to individualized education plan (IEP) team” should be moved to “Level 2 Responses”.

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<sup>2</sup> The [ORSI study](#) reports “weak” implementation of “clear and appropriate consequences for behavior”. (pp. 21-22)

12. Chapter II (A)(1), "Assault", p.32: Add language, "FCPS recognizes that we have students with cognitive disabilities significant enough to impede understanding of the consequences of aggressive behavior towards staff and fellow students. Such students should not be subject to exclusionary discipline. Instead, please contact [ABA Services Coordinator, Behavior Intervention Specialist, etc.]. FCPS is committed to expanding the training, equipment, and resources provided to the staff of these students while extending compassion for the frustrations they have yet to learn another way to communicate."
13. Chapter II (A)(1)(a), p.33: Replace (1) with "A credible threat to assault a staff member, or a physical assault with clear intent to harm even if no injury resulted."
14. Chapter II (A)(1)(b), p.33: Replace "For students in grades 4-12" with "For students in grades 7-12." Replace "For students in grades K-3" with "For students in grades 4-6".
15. Chapter II (C)(2)(a), p.47: Replace item (1) "Reteaching expected behavior with required practice" to "Reviewing/re-teaching expected behavior", directly followed by a new item, "Identifying unsolved problems which interfere with expected behaviors through use of appropriate practices including the Collaborative and Proactive Solutions approach."
16. Chapter II (C)(3), "Suspension of Students in Grades K-3", p. 48: Remove the words "for more than three consecutive days" so that a K-3 student will not receive an out-of-school suspension. In the words following "unless", replace item (iv) with "has caused obvious, serious bodily injury (ie, one that requires medical treatment) or presents an ongoing credible threat to perform serious bodily injury". Strike item (v) and all that follows.
17. Chapter II (D)(4), "Parent Notification", p. 57: Remove the wording "until a parent has been provided notice" and replace with "until a parent has provided consent."
18. Chapter II (D)(5), "Consultation with the Student's IEP Team", p. 58: Revise language as follows: "If the student has been suspended, for any duration, more than once in a school year, the principal shall convene an IEP meeting to determine whether additional goals or services are needed to address the student's behavioral needs and where necessary conduct a functional behavior assessment and develop a behavior intervention plan."
19. Chapter II (D)(5), paragraphs 4- 5: Please ensure that when a SWD is to be reassigned for disciplinary reasons (even when the re-assignment does not result in a change in placement), *parent/student input must be considered in making the reassignment*.
20. We've been informed that data is available through discipline records on the use of restorative justice. Please publish the data for the public and provide support, staffing, and incentives for its appropriate use and increased implementation.
21. Form collaborative groups of teachers trained in restorative justice and collaborative groups for teachers with advanced training in Dr. Ross Greene's Collaborative and Proactive Solutions model on both the division and pyramid levels. Provide compensation for participation with these groups and spotlight their efforts for the community.