



Keep Students with Disabilities in School – Amend HB247 Standards of Student Conduct

Ten years ago, the General Assembly unanimously passed a new school discipline law that was vetted by all the stakeholders in the school discipline process. One of the goals of the 2011 law was to prevent unnecessary referrals of kids to court. House Bill 247 reverses the General Assembly's unanimously supported work by adding law enforcement to the student conduct equation while also *removing critical guidance about what conduct should be deemed a serious violation that could result in long-term suspension or expulsion.*

The Problem: HB247 removes critical guidance about what constitutes a serious conduct violation.

(f) Board policies shall minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to those violations deemed to be serious violations of the board's Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. ~~Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury.~~ The principal may, however, in his or her discretion, determine that aggravating circumstances justify treating a minor violation as a serious violation.

The Fix: Support an amendment to HB247 that reinserts the current guidance about what constitutes a serious violation of conduct.

As drafted, HB247 encourages schools to use long-term suspension and expulsion for conduct such as disrespectful language, dress code violations, and noncompliance with staff directives. Current law already gives principals the discretion to treat minor violations as serious violations when there are aggravating circumstances.

Additionally, students with disabilities are more likely to be subject to long-term suspension and expulsion. During the 2018-19 school year, students with disabilities received 24% of short-term suspensions, 17% of long-term suspensions, 26% of expulsions, and over 20% of alternative school placements, even though they encompass less than 13% of the total student population. Behaviors such as use of inappropriate language and noncompliance with a staff directive could be a manifestation of a child's disability rather than misconduct. The wrong label could result in students with disabilities being disproportionately excluded from the classroom. Don't let that happen, amend HB247.

Questions? Contact Kris Parks at (919) 451-2324