



**COMMONWEALTH of VIRGINIA**  
**Department of Education**

November 13, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Governor's Classrooms not Courtrooms Initiative**

Governor Terry McAuliffe recently announced his Classrooms not Courtrooms initiative. It is a multi-agency, administration-wide push to reduce student referrals to law enforcement, reduce suspensions and expulsions, address the disparate impact these practices have on African-Americans and students with disabilities, and address the emphasis on subjective offenses like disorderly conduct.

This is a high priority for Governor McAuliffe, and as this initiative gains momentum, we are encouraging superintendents, school board members, and school leaders to also make reducing these numbers and addressing these issues a high priority.

In April 2015, the Center for Public Integrity (CPI) released a report analyzing U.S. Department of Education Office for Civil Rights (OCR) data that highlighted the number of students referred to law enforcement from schools.<sup>1</sup> The report found that Virginia led the nation with a referral rate of 15.8 students per 1,000, compared to the national average of 6 students per 1000. Furthermore, over 38 percent of referrals to law enforcement were for black students, yet they make up only 24 percent of the student population. Additionally, the report found that 30 percent of the referred students had a disability; however, they make up approximately 12 percent of the student population.

Analysis of the Virginia Department of Education (VDOE) discipline, crime and violence (DCV) data indicates a strong, declining trend in total number of short-term suspensions, long-term suspensions, and expulsions.<sup>2</sup> Although rates of school discipline among all Virginia students are decreasing, disproportionality in short-term suspensions among minority students remains stable and is increasing among students with disabilities. Black students make up only about 24 percent of the student population, but accounted for 53 percent of short-term suspensions in 2013-2014. Similarly, students with disabilities make up about 12 percent of the student population, yet they accounted for 26 percent of short term suspension during that same period.

Research indicates that excessive use of exclusionary discipline has a negative impact on the learning environment, student achievement, graduation rates, and rates of juvenile crime and delinquency.<sup>3</sup>

***Classrooms not Courtrooms Strategies***

The Virginia Department of Education is working with other state agencies to implement a variety of strategies, including but not limited to:

- Promoting constructive partnerships between schools and law enforcement, through the development and implementation of a new standardized joint training program for School Resource Officers and school administrators;
- Updating the Model Memorandum of Understanding that provides divisions and law enforcement with a framework for developing local agreements about the role and function of School Resource Officers;
- Working with the Department of Criminal Justice Services to update the School Resource Officer Program Guide to incorporate effective strategies;
- Expanding and improving school divisions' use of Positive Behavioral Interventions and Supports (PBIS) as part of the Virginia Tiered System of Supports (VTSS) framework;
- Tracking specific data related to subjective misdemeanor offenses such as disorderly conduct, and focusing on finding effective alternatives to criminal justice interventions; and
- Updating the DCV offense code and producing a training program for administrators.

Secretary of Education Anne Holton and Secretary of Public Safety and Homeland Security Brian Moran will be leading the Children's Cabinet's efforts and will be reaching out to you and other stakeholders for input and help in various ways. The Governor has also directed the Children's Cabinet to monitor and review statewide data related to these issues.

If you have thoughts or suggestions or would like to become involved in these efforts, please feel free to contact me directly.

The VTSS is a framework integrating academics, behavior (Positive Behavioral Interventions and Supports) and mental health instruction, resources and supports so that every student can be successful. The VTSS systemic approach allows divisions, schools and communities to provide multiple levels of supports to students in a more effective, clearly defined process.

The Office of Student Services at VDOE will provide an introductory webinar on the VTSS on January 21, 2016 from 2 - 3 p.m. Subsequent webinars will be offered quarterly to guide school divisions through the early implementation phases of the VTSS. Registration information will be provided via a Superintendent's Memo in the coming weeks. An additional resource is the U.S. Department of Education [\*Guiding Principles: A Resource for Improving School Climate and Discipline\*](#).

For additional information, please contact Dr. Thomas Manthey, Virginia Tiered System of Supports Coordinator by e-mail at [Tom.Manthey@doe.virginia.gov](mailto:Tom.Manthey@doe.virginia.gov) or by phone at 804-225-4024; or Jo Ann Burkholder, Office of Student Services Director at 804-225-2818 or by e-mail at [Joann.Burkholder@doe.virginia.gov](mailto:Joann.Burkholder@doe.virginia.gov).

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<sup>1</sup> Ferriss, Susan, [\*Virginia tops nation is sending kids to cops, courts: Where does your state rank?\*](#) The Center for Public Integrity, April 10, 2015.

<sup>2</sup> Suspension is defined as the temporary denial of a student's attendance at school. The duration of a short-term suspension is ten days or less. A long-term suspension is defined as more than ten days but less than 365 calendar days. Expulsion is defined as the permanent denial of a student's attendance at school. A student who is expelled by a school board may be ineligible for readmission for 365 calendar days after the date of the expulsion.

<sup>3</sup> Belway, S., Hodson, C., Losen, D., Keith II, M., Morrison, K., [\*Are We Closing the School Discipline Gap?\*](#) The Center for Civil Rights Remedies, February 2015.

