

SUSPENDED PROGRESS 2024



An Update on the State of Exclusionary Discipline
& Alternative Education in Virginia's Public Schools

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Disclaimer: This report is not legal advice. Because of the rapidly changing nature of the law, information contained in this report may become outdated, and anyone using this material in a legal matter must always research original sources.

Executive Summary

Since the last publication of Suspended Progress in 2018,¹ Virginia's General Assembly has enacted changes intended to inform and limit the use of exclusionary discipline in K-12 schools, including legislation related to data collection, discipline, and school security. As of January 2024, these actions included:

- The enactment of mandatory data reporting requirements related to alternative school placements and the use of force on students.²
- The passage of laws designed to mitigate the impact of suspensions by prohibiting them for some students,³ reducing their length,⁴ and allowing suspended students to access graded work.⁵
- Changes in the relationship between law enforcement and school discipline, including the elimination of the requirement for division superintendents to refer misdemeanors involving students with disabilities to law enforcement.⁶

While the efforts of Virginia's General Assembly are laudable, the data presented in this report reveal that additional legislative changes are needed to address the negative impacts of exclusionary discipline on Black students and students with disabilities.

- Virginia ranks among the top third of states suspending the highest numbers of students from school.
- School administrators continue to disproportionately suspend Black students and students with disabilities.

Virginia's General Assembly must build on its previous efforts and ensure Black students and students with disabilities are not unfairly barred from K-12 public education through exclusionary disciplinary practices by enacting legislation to provide:

- Robust funding for school-based mental health services to address post-pandemic mental health challenges and their impact on school climate and discipline.
- Investment in collaborations with local governments and school divisions on evidence-based alternatives to suspension and expulsion, especially restorative justice practices.
- Assessment of post-exclusion assignment to alternative educational placements, improvement in the quality of programming and services, and stronger oversight.

The State of Exclusionary Discipline in Virginia's K-12 Schools

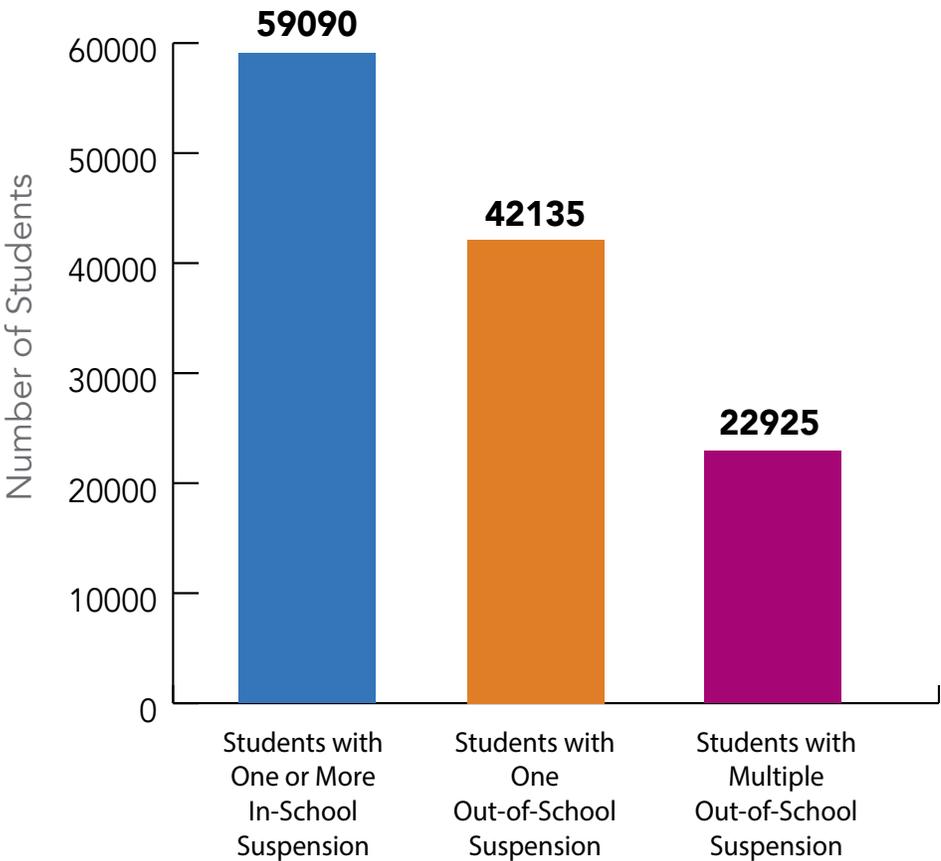
Hard Facts About Suspension, Expulsion, and Alternative Educational Placements for Black Students and Students with Disabilities

- Students with disabilities and Black students remain disproportionately assigned to alternative educational placements, and the problems outlined in LAJC's 2018 *Suspended Progress* continue to plague Virginia's K-12 alternative educational placements.⁷
- Black students make up less than a quarter of overall K-12 enrollment in Virginia but represent nearly half of the students in alternative placements.
- Students with disabilities—roughly 13% of Virginia's K-12 population—received almost a quarter of all in-school and out-of-school suspensions.
- During the 2022-2023 school year in Virginia, students with disabilities received approximately 24% of all referrals to local law enforcement for school-based infractions while they represent approximately 13% of K-12 enrollment.⁸
- To date, the Virginia Department of Education (VDOE) has not met their data reporting obligations.⁹ Without much needed information about the state of Virginia's alternative educational placements, these disparities are difficult to resolve.

Suspensions

Virginia remains among the group of states suspending the highest number of students from school.¹⁰ School discipline data for the 2022-2023 school year confirms that Virginia schools issued in-school suspensions to 59,090 students and out-of-school suspensions to 65,060 students.¹¹ Virginia assigned more out-of-school suspensions than in-school suspensions, meaning that more students were removed entirely from school campuses than were permitted to remain on campus to serve suspension.¹² Of the students suspended out-of-school, 22,925 received multiple out-of-school suspensions.

In-School and Out -of-School Suspensions



Source: VDOE Data SY 2022-2023

Suspensions of Black Students

In 2018, although Black students made up only 22% of Virginia’s K-12 population, 51% of all students suspended in Virginia were Black.¹³ At the dawn of the pandemic during the 2019-2020 school year,¹⁴ administrators disproportionately suspended Black students compared to their white classmates.¹⁵

During the 2022-2023 school year, Black students—roughly 22% of Virginia’s K-12 enrollment—experienced 42% of all forms of exclusionary discipline, from in-school suspension to referrals to law enforcement.¹⁶

Suspensions of Students with Disabilities

Data continues to show that students with disabilities are suspended at greater rates than their nondisabled peers, with alarming disparities in some school divisions. For example, the highest rates of out-of-school suspension of students with disabilities were reported in Brunswick County and Franklin City, which excluded students at a rate of almost 40% or greater. In comparison, students without disabilities were suspended at less than half that rate.

Top 5 Division In-School and Out-of-School Suspensions for students with disabilities

Division	% of student with disabilities in-school suspended	% of student without disabilities in-school suspended	Risk difference
Richmond City	35.09	11.02	24.07
Brunswick County	39.68	16.45	23.23
Lancaster County	30.86	10.60	20.26
Amelia County	36.57	16.80	19.77
Franklin City	42.24	23.26	18.98

Source: VDOE Data SY 2022-2023

Alternative Placements

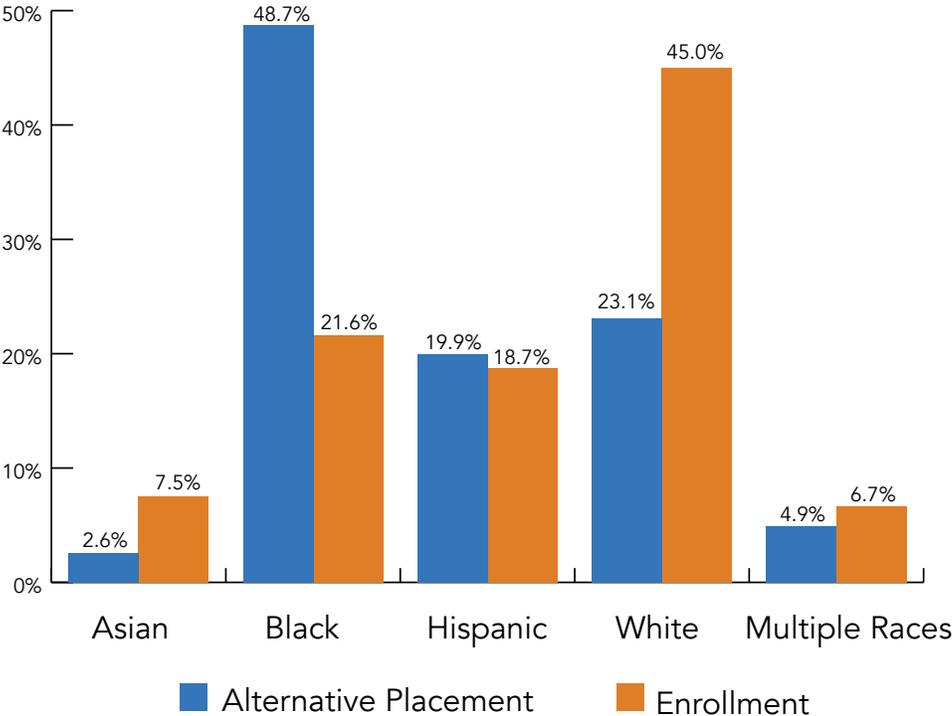
An alternative education placement is defined as “night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.”¹⁷ School divisions can assign students to alternative education programs for a variety of reasons, including in response to student misconduct. Schools are empowered to reassign a student to an alternative education placement¹⁸ when the student has been: (1) found to have committed a serious offense or repeated offenses in violation of school board policies, (2) long-term suspended, or (3) expelled.¹⁹

Black students and students with disabilities are disproportionately placed in alternative placements.

In the 2022-2023 school year, Black students made up roughly 22% of overall K-12 enrollment in Virginia but represent nearly half of the students in alternative placements. By contrast, white students make up 45% of overall enrollment but only 23.1% of students alternatively placed.

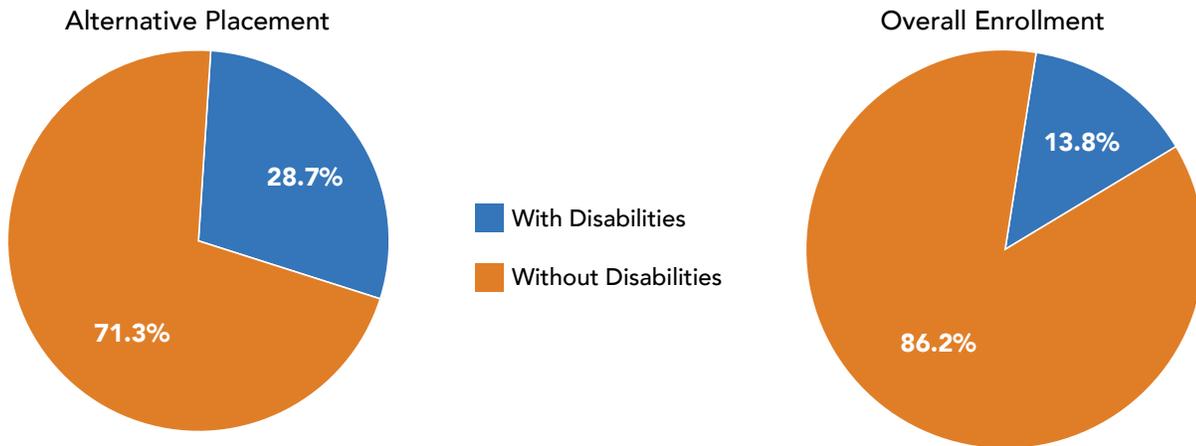
Similarly, students with disabilities were also disproportionately excluded to an alternative setting.

SY 22-23 Alternative School Placement by Race and Ethnicity



Source: VDOE Data SY 2022-2023

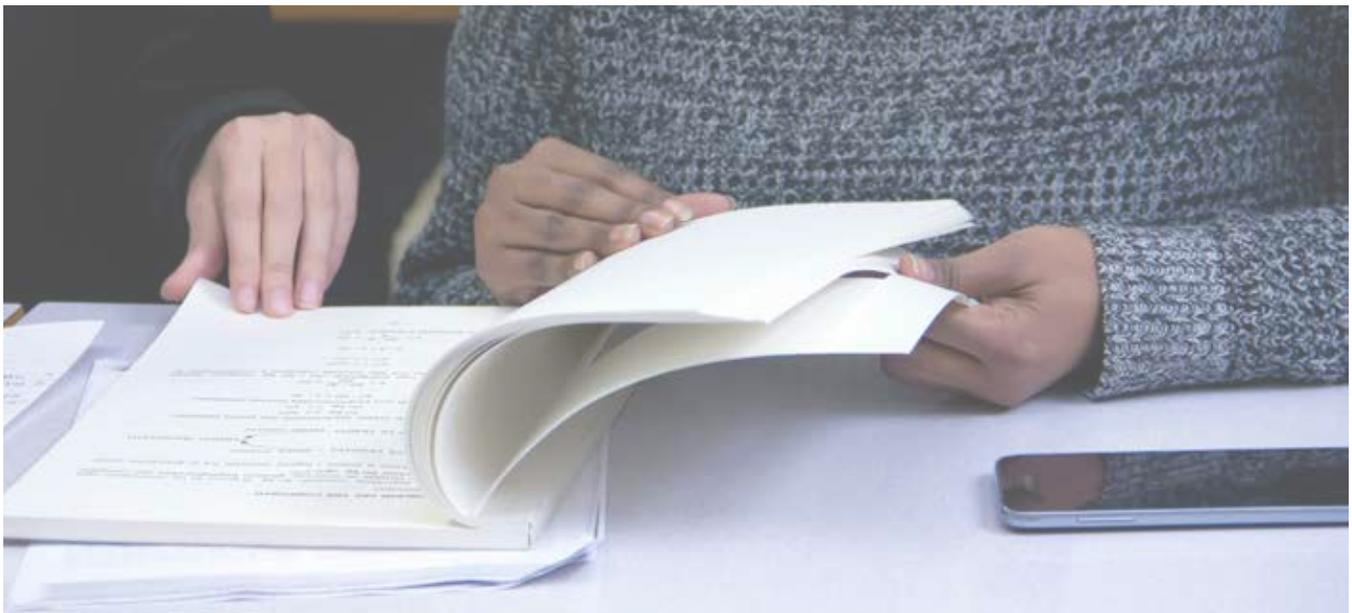
SY 22-23 Alternative Placement by Disability Status



Source: VDOE Data SY 2022-2023

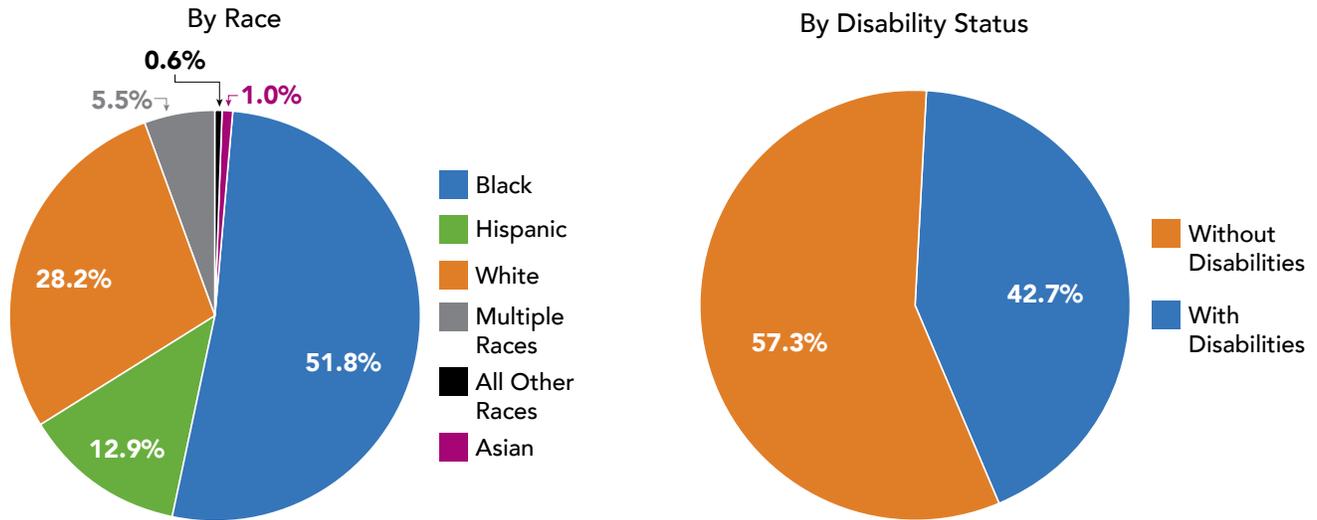
Further exclusion occurs in these programs—even though alternatively placed students are already disciplined out of the traditional classroom setting.

Students who are alternatively placed have already been excluded from the traditional classroom environment. Students who are subject to alternative placements are at risk for further suspension or expulsion. In fact, during the 2022-23 school year, there were 1,533 short-term suspensions, 157 long-term suspensions, and 23 expulsions issued in alternative placements.²⁰ Exclusion from an alternative placement means that these students have been denied their last opportunity for educational services.



Short-Term Suspension from Alternative Placements. 51.8% of the short-term suspensions issued in alternative disciplinary placements were issued to Black students, and students with disabilities received 42.7% of the short-term suspensions from these alternative placement programs.

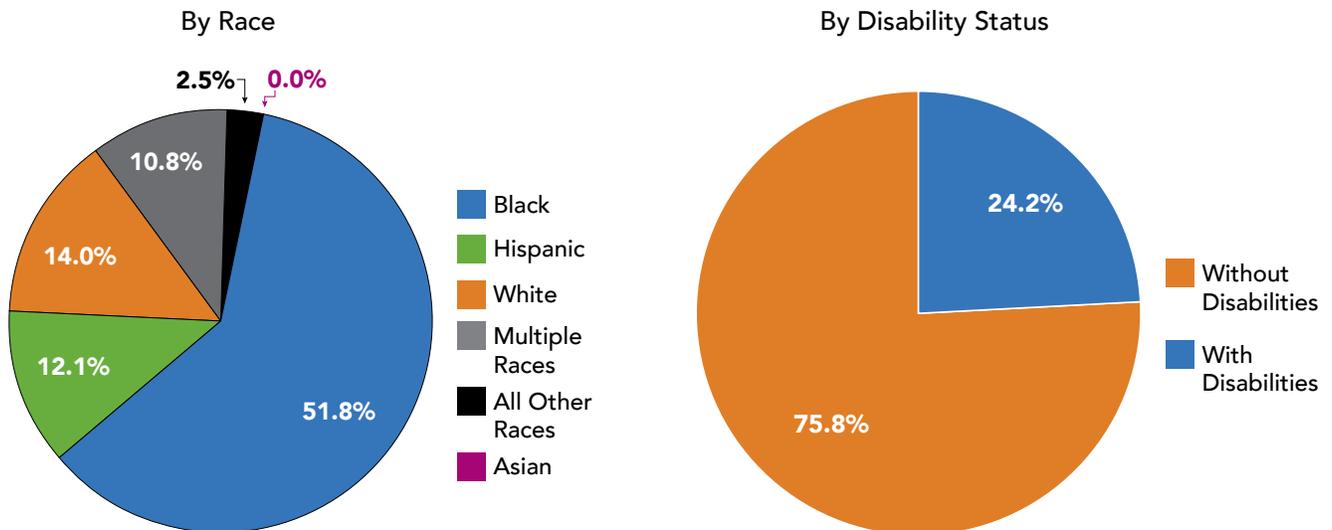
SY 22-23 Short-Term Suspensions Issued in Alternative Placement



Source: VDOE Data SY 2022-2023

Long-Term Suspension from Alternative Placements. Similar trends occurred by racial group and for students with disabilities when it comes to long-term suspension from an alternative educational setting. Data from the 2022-2023 school year shows that Black students (60.5%) and students with disabilities (75.8%) received the long-term suspensions post the initial alternative placement exclusion.

SY 22-23 Short-Term Suspensions Issued in Alternative Placement



Source: VDOE Data SY 2022-2023

Expulsion. 43% of expulsions from alternative placement are issued to non-white students. Unfortunately, the causes for these expulsions are not captured in data collected by VDOE.

Studies from other state school systems show that students subjected to exclusionary disciplinary practices—like assignment to an alternative educational placement—have lower GPAs and continue to perform worse on standardized tests compared to their peers. Disparities existing between racial groups for overall scores persist among students in alternative school.²¹

Alternative educational placements are being used to create long-term isolation periods from traditional school placements. Moreover, alternative school placements do not serve as a temporary or transitional mechanism for students, but instead as a long-term gateway to excluding students from traditional classrooms for most of the academic year. According to data from SY 2022-2023, the students are, on average, assigned to an alternative educational placement for 141 days, which equates to roughly 78% of a typical school year.²² Consequently, if a student is placed in an alternative educational placement, there is a good chance she or he will remain in that placement for the academic year.

The American Psychological Association maintains that “[s]chool connectedness—the degree to which young people feel that adults and peers at school care about them and are invested in their success—is a key contributor to mental health. Youth who felt connected during middle and high school have fewer problems with substance use, mental health, suicidality.”²³ Long-term placements in alternative educational placements erode school connectedness by isolating students from their peers and shutting them out of the general education setting of their home schools. Recent research confirms that exclusionary forms of discipline—like placement in alternative educational placements, suspension, and expulsion—contribute to increased “unproductive behavior, affecting [students’] social-emotional development, academic performance, and life trajectories.”²⁴

Closing the Exclusionary Discipline Gap:

Three Legislative Priorities

To address the persistent inequities in Virginia’s use of exclusionary discipline, the General Assembly should expand the use of restorative disciplinary practices (rather than shepherd a return to pandemic and pre-pandemic exclusionary tactics); ensure greater funding to increase student access to school-based mental health services; and mandate greater oversight of Virginia’s system of alternative educational placements.

We call upon the General Assembly to provide the following:

Robust funding for school-based mental health services to address post-pandemic mental health challenges and their impact on school climate and discipline.

Virginia’s students continue to suffer from emotional and behavioral impacts of the pandemic, and K-12 schools in the Commonwealth remain under resourced to deal with the increase in students’ need for school-based mental health supports.

In the wake of the pandemic, Voices for Virginia’s Children noted that 1 in 5 children in the Commonwealth were returning to school with mental health conditions.²⁵ 87% of schools nationwide report negative effects from the pandemic on the socio-emotional development of their students, and 84% report the same about behavioral development.²⁶

As noted in the 2022 Joint Legislative Audit & Review Commission report, of Virginian youth who were surveyed, one half of middle schoolers and two-thirds of high schoolers reported feeling anxiety, and 10% of middle schoolers and 13% of high schoolers reported contemplating suicide.²⁷

In October of 2023, the Community Foundation for Northern Virginia reported that “47% of the students who attend public middle or high school in Virginia reported a current or past-year mental health need.”²⁸ Virginia’s Behavioral Health Commission 2023 study, *Maximizing school-based mental health services*, states that many school divisions in Virginia “report being unable to meet the demands of students who require” intensive mental health services. These supports are “critical for students who are experiencing moderate to severe mental health challenges, especially in communities that lack robust access to mental health providers outside of school.” Furthermore, “[y]outh whose mental health challenges go untreated are at greater risk for academic and social disruptions, later criminal justice involvement, and suicide.”²⁹

There has been a sharp decline in the mental and emotional health of Virginia’s K-12 students — “a youth mental health crisis [that] began well before the pandemic but has deepened over the past few years.”³⁰

School-based mental health services are in critical need and short supply. These services include specialized interventions provided by trained professionals to address children’s mental health needs, such as individual counselors, referrals, crisis intervention, and other supports offered by licensed and qualified providers. These interventions are crucial. Nevertheless, the Behavioral Health Commission concluded that 45% of Virginia’s K-12 students *are not receiving the intensive level of services they need to succeed in the educational environment.*³¹

Students of color lack robust access to mental health resources.

Nationally, young people of color “are less likely to receive mental health care than white children.”³² At the height of the pandemic, ACT Center for Equity in Learning’s *Supporting the Mental Health Well-Being of High School Students* report concluded that “[t]hrough 25% of American teens experience mental health issues, rural students and students of color are less likely to feel that they can reach out to a counselor or teacher for support,” and less than half of the nation’s Black students feel their mental health needs in school are properly considered.³³

Virginia’s students with disabilities need effective school-based mental health services now more than ever.

The evidence is clear: students with disabilities are disparately impacted by exclusionary disciplinary practices. According to the American School Counselors Association, school counselors provide support for their emotional and behavioral needs, both directly to students and indirectly through teachers and parents.³⁴ School counselors contribute to improved outcomes for students with disabilities by collaborating with special education and other support staff to adopt developmentally appropriate interventions and other positive behavioral supports.

The National Association of School Psychologists (NASP) recommends that school divisions maintain a ratio of one school psychologist or counselor for every 500 students.³⁵ Virginia must strive to meet or exceed NASP’s recommendation.

Schools need mental health services that provide emotional and behavioral support for all students.

Qualified school-based mental health providers are crucial to providing an array of supports on a continuum of services. Virginia’s school-based mental health programs use a multi-tiered system

of support that identifies students' common as well as individual needs.³⁶ At the highest level of this system, intensive, individualized interventions, and therapeutic strategies, like individual or group counseling, may be supported within the school environment by school-based mental health providers or through community-based counselors and organizations.

Increasing access to school-based mental health services is part of a holistic whole-school approach to non-exclusionary disciplinary practices, like the use of school-based restorative justice techniques.³⁷ School counselors play a prominent role in guiding students through the therapeutic elements of restorative discipline. This process replaces exclusionary techniques with practices designed to strengthen relationships, improve the connection to school, and promote a strong sense of accountability. It also helps students learn from their mistakes, understand the impact of their actions on others, and find opportunities to repair the harm caused by their actions.

Schools must be directed to integrate disciplinary policy with emotional-behavioral interventions supported by qualified counselors and the principles of restorative justice to avoid the use of exclusionary practices that negatively impact the mental and emotional health of Virginia's K-12 students.

Investment in collaborations with local governments and school divisions on evidence-based alternatives to suspension and expulsion, including restorative justice practices.

Evidence-based restorative justice practices are necessary as an alternative to exclusionary discipline.

The Virginia General Assembly should mandate that public schools use evidence-based restorative justice practices as a first step in significantly shifting their approach to the use of exclusionary discipline.

In 2021, The Center for Public Integrity ranked Virginia at the top of the national list for school-based criminal referrals.³⁸ Last year, the Virginia Board for People with Disabilities, in its analysis of the school-to-prison pipeline in Virginia, found that students with disabilities are “subject to inequitable discipline.”³⁹

Virginia's Black students with disabilities are also more susceptible to exclusionary discipline that places them on the path to the school-to-prison pipeline through a disproportionate number of referrals to law enforcement and sentencing to juvenile incarceration.⁴⁰ For example, in 2019, LAJC found that Black students and students with disabilities are more likely to be charged with school-based offenses, such as “disorderly conduct,” due to unconscious assumptions and stereotypes.⁴¹ Although the school-based disorderly conduct law has been repealed, the data demonstrates the dangerous disparities that can result from similarly subjective offenses.⁴¹

The Center for Public Integrity’s 2021 investigation into the rate of encounters between students with disabilities and law enforcement found that “schools referred students with disabilities to law enforcement at nearly twice their share of the overall population.”⁴²

To reverse this trend, school divisions must be required to use evidence-based restorative justice practices in school to reduce student misconduct⁴³ and decrease rates of exclusionary discipline.⁴⁴ Moreover, restorative disciplinary practices embedded in a school’s climate and conduct code decrease discipline disparities, fighting, bullying, and exclusions from school.⁴⁵

Assessment of post-exclusion assignment to alternative educational placements, improvements in programming, and stronger oversight.

Disciplinary alternative education placements vary widely across the Commonwealth—some students still see a teacher or tutor only a few hours a week and some are completely online without live instruction.

School divisions continue to have broad discretion when designing their disciplinary alternative education placements.⁴⁶ Many placements still consist only of short home visits with a tutor—who may not be a licensed teacher—for just a few hours a week. Others segregate students into entirely computer-based “educational” settings with little or no instruction from a live instructor.⁴⁷

While students may benefit from the smaller class sizes and structured environment of alternative placements, these programs and services continue to vary in quality, duration, effectiveness, and appropriateness. As another form of disciplinary exclusion, students in alternative placements remain isolated from their home school community and prevented from participating in nonacademic educational benefits, such as counseling, post-secondary school preparation, and extra-curricular activities.

Additionally, schools are using alternative forms of exclusion—‘soft suspension’—which include placing students in online seclusion rooms, sending students home early, and using virtual or remote instruction punitively.⁴⁸ For example, over half of Virginia kindergarten teachers surveyed reported “using soft exclusionary practices with some frequency.”⁴⁹

Finally, while VDOE is collecting data related to alternative education placements, as of the publication of Suspended Progress 2024, VDOE is not publishing this information on its website in

accordance with Va. Code Ann. § 22.1-277.2:2.⁵⁰ This data is necessary so that Virginia can provide high-quality educational instruction to all students suspended from school or reassigned to alternative school. Moreover, VDOE is not reporting enrollment, demographic, and achievement data for its alternative school programs as mandated by the General Assembly. Consequently, it is difficult—if not impossible—to compare programs from division to division and hold them accountable for meeting student performance goals and ensuring that reassignment to alternative school does not disproportionately impact our most vulnerable students.

Virginia’s General Assembly must build on its efforts to reduce exclusionary discipline by passing legislation to mandate the use of evidence-based restorative justice prior to excluding students from school; increase funding for school-based mental health services; and direct VDOE to sharpen its scrutiny of Virginia’s alternative education placement system. These measures will enable schools to make good on the promise of equitable access to education for all students.

Virginia Suspension and Expulsion Data (2022-2023)

The Legal Aid Justice Center (LAJC) obtained data for this updated Suspended Progress report pursuant to a Virginia Freedom of Information Act request to the Virginia Department of Education (VDOE) for information from the 2022-2023 school year. Unlike the data provided by VDOE for Suspended Progress 2018, which tracked short-term and long-term suspensions, current data utilizes the terms in-school and out-of-school suspensions. Furthermore, VDOE did not disaggregate 2022-2023 data by school or grade level and did not include the total number of suspensions issued during that school year and other relevant information. Consequently, as a result of VDOE’s data suppression and changes to how VDOE gathers disciplinary data since 2018, Suspended Progress 2024 has reconciled these gaps by presenting, where appropriate, information that can reasonably be compared to trends in the use of exclusionary discipline identified in previous reports.

Note on the Colored Cells | Some numbers could not be calculated because of how VDOE suppresses data. Those instances are marked in **purple**. Additionally, the population of some of the schools was not listed in the Fall Membership reports, so the percentage of students who received at least once in-school suspension could not be calculated. Those cells are denoted in **blue**.

Chart I: Suspension and Expulsion Data

	Students with One or More In-School Suspensions	Students with One Out-of-School Suspension	Students with Multiple Out-of-School Suspensions	K12 Students Expelled with Instructional Support	K12 Students Expelled without Instructional Support	K12 Students Alternatively Placed	K12 Students Referred to Law Enforcement	K12 Students Arrested
Total	59090	42135	22925	149		1246	7966	0
Sex								
Male	39765	27450	15875	128		895	5370	0
Female	19254	14615	7010			349	2583	0
Race								
Black	22207	18078	12552	59		531	2805	0
Hispanic	9413	6390	2576			209	1006	0
White	22270	14171	6103	63		413	3380	0
Disability								
Students with Disabilities	12989	9234	7002	42	<	373	1929	0
Students without Disabilities	46101	32901	15923	107	45	873	6037	0

Chart II: Disability Status Disparities

Division	% of students with disabilities in-school suspended	% of students without disabilities in-school suspended	Risk Difference	Division	% of students with disabilities out-of-school suspended	% of students without disabilities out-of-school suspended	Risk Difference
Fredericksburg City	25.48	10.57	14.92	Essex County	16.9	8.6	8.3
Lancaster County	27.78	15.96	11.81	Greene County	15.6	7.4	8.2
King and Queen County	14.73	3.43	11.3	Nelson County	13.9	6.3	7.6
Charlotte County	23.41	12.85	10.56	Newport News City	22.2	14.7	7.5
West Point	16	5.77	10.23	Montgomery County	12.5	5.6	6.9
Clarke County	14.42	4.92	9.5	Pittsylvania County	19.4	12.8	6.6
Winchester City	16.7	8.49	8.21	Richmond City	22.6	16.1	6.5
Louisa County	16.3	8.13	8.17	Colonial Heights City	14.4	8.1	6.3
Cumberland County	12.57	5.29	7.29	Pulaski County	13.7	7.4	6.3
Bedford County	15.82	8.7	7.12	Isle of Wight County	16.4	10.2	6.2
Montgomery County	12.32	5.24	7.08	King William County	10.5	4.4	6.1
Wise County	15.53	8.53	7.01	Fredericksburg City	10.8	4.8	6.0
Dickenson County	10.73	3.86	6.86	Giles County	8.1	2.2	5.9
Pittsylvania County	20.46	13.97	6.5	New Kent County	14.1	8.5	5.6
Craig County	15.97	9.5	6.47	Goochland County	9.1	3.9	5.2
King George County	13.36	7.03	6.34	Henrico County	12.7	7.5	5.2
N/A	N/A	N/A	N/A	Winchester County	10.0	4.8	5.2

Chart III: In-School and Out-of-School Suspensions

Division	% Students with at least One In-School Suspension	Division	% of Students with at least One Out-of-School Suspension
Amelia County	19.43%	Franklin City	23.85%
Lancaster County	17.81%	Petersburg City	19.57%
Accomack County	14.96%	Brunswick County	18.01%
Pittsylvania County	14.71%	Amelia County	17.88%
Franklin City	14.57%	Danville City	13.70%
Amherst County	14.25%	Richmond City	12.54%
Charlotte County	14.15%	Portsmouth City	12.49%
Martinsville City	13.09%	Lancaster County	12.03%
Fredericksburg City	12.00%	Lynchburg City	11.72%
Nelson County	11.62%	Roanoke City	11.65%
Madison County	11.41%	Newport News City	11.62%
Caroline County	11.32%	Mecklenburg County	11.25%
Page County	11.31%	Norfolk City	11.19%
Colonial Heights City	11.12%	Pittsylvania County	10.52%
Craig County	11.11%	Northampton County	10.23%
Gloucester County	10.92%	Martinsville City	10.11%
Campbell County	10.68%	Accomack County	10.00%
Charles City County	10.68%	Greensville County	9.39%
Greensville County	10.28%	Halifax County	9.25%
New Kent County	10.07%	Isle of Wight County	9.04%

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Chart IV: Division Data

Division Name	Total Student Population	# of Students In-School Suspended at Least Once	# of Students Out-of-School Suspended at Least Once	# of K12 Students Expelled with Supports	# of K12 Expelled without Supports
Accomack County	4739	709	474	0	0
Albemarle County	13970	494	292	0	
Alexandria City	16089	166	335	0	0
Alleghany County	2880	93	144	0	
Amelia County	1163	226	208	0	0
Amherst County	3993	569		0	0
Appomattox County	2361	144	207	0	0
Appomattox Regional Governor's School	*	0		0	0
Arlington County	27582	305	348	0	0
Augusta County	10077	419	679	0	0
Bath County	504	0		0	0
Bedford County	9091	870	380	0	0
Bland County	796	14		0	0
Botetourt County	4494	210	128	0	0
Bristol City	2195	111		0	0
Brunswick County	1405	82	253	0	0
Buchanan County	2462	72		0	0
Buckingham County	1992	178	144	0	0
Buena Vista City	890	53		0	0
Campbell County	7873	841	669		0
Caroline County	4337	491	349	0	0
Carroll County	3507	116	170	0	0

Charles City County	562	60		0	0
Charlotte County	1668	236		0	0
Charlottesville City	4491	62		0	0
Chesapeake Bay Governor's School *		0	0	0	0
Chesapeake City	40821	2887	3098		
Chesterfield County	63962	3318	2935		0
Clarke County	1894	113		0	0
CodeRVA Regional High School *		0		0	0
Colonial Beach	574	0		0	0
Colonial Heights City	2843	316	219		0
Covington City *		0		0	0
Craig County	477	53		0	0
Culpeper County	8353	743	533	0	0
Cumberland County	1283	80		0	0
Danville City	5685	488	779	0	
Dickenson County	1946	95		0	0
Dinwiddie County	4257	192	346		
Enterprise Academy/Newport News City *		0		0	0
Essex County	1185	96	101	0	
Fairfax County	180130	4759	3590		0
Falls Church City	2507	0		0	0
Fauquier County	10839	420	339	0	
Floyd County	1750	150		0	0

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Fluvanna County	3439	125		0	0
Franklin City	1023	149	244	0	0
Franklin County	6263	415	564		0
Frederick County	12962	0	1100	0	0
Fredericksburg City	3767	452	202	0	0
Galax City	1394	73		0	0
Giles County	3462	130	88	0	0
Gloucester County	5093	556	425		0
Goochland County	2643	224	104	0	0
Governor's School for the Arts *		0		0	0
Grayson County	1561	0		0	0
Greene County	2838	86	197	0	0
Greensville County	2034	209	191	0	0
Halifax County	4625	199	428	0	
Hampton City	19796	732	1543	0	0
Hanover County	17066	834	585	0	0
Harrisonburg City	6684	86	262	0	0
Henrico County	50389	3231	3243		0
Henry County	7010	220	437	0	0
Highland County	200	0		0	0
Hopewell City	3985	169	249	0	0
Independence Nontraditional School - Middle	8	0		0	0
Isle of Wight County	5629	299	509		
King George County	4521	358	303	0	0

King William County	2084	109	98		0
King and Queen County	858	44		0	0
Lancaster County	1039	185	125	0	0
Lee County	2949	126		0	
Lexington City	487	0		0	0
Loudoun County	82083	2125	640		0
Louisa County	5173	490	215		
Lunenburg County	1575	123	134	0	0
Lynchburg City	7909	759	927		
Madison County	1683	192		0	0
Manassas City	7711	176	202		0
Manassas Park City	3434	186	94	0	0
Martinsville City	1810	237	183	0	0
Massanutten Technical Center *		0		0	0
Mathews County	911	41		0	0
Mecklenburg County	3973	339	447	0	0
Middlesex County	1244	125			0
Montgomery County	9730	594	504	0	
Nelson County	1480	172	102	0	0
New Horizons Regional Education Center - Special Education *		0		0	0
New Kent County	3436	346	260	0	0

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Newport News City	26562	2043	3087		0
Norfolk City	27330	1251	3058		0
Northampton County	1359	134	139	0	0
Northern Neck Technical Center *		0		0	0
Northumberland County	1200	60		0	0
Northwestern Regional Education Program *		0		0	0
Norton City	815	12			
Nottoway County	1811	118	150	0	0
Orange County	5042	270	276	0	0
Page County	3033	343		0	
Patrick County	2482	81		0	0
Petersburg City	4272	194	836		0
Petersburg Regional Alternative *		0		0	0
Piedmont Alternative School *		0		0	0
Piedmont Regional Education Program *		0		0	0
Pittsylvania County	7919	1165	833		
Poquoson City	2086	69		0	0
Portsmouth City	13371	492	1670	0	
Powhatan County	4251	293	211		0
Prince Edward County	1893	0		0	0

Prince George County	6106	308	511	0	
Prince William County	91180	1335	3322	0	0
Project Renew/Northampton Co *		0		0	0
Pulaski County	3988	58	269		0
Radford City	3690	87		0	0
Rappahannock County	736	31		0	0
Regional Alternative Ed/King William *		0		0	0
Regional Alternative Ed/Stafford Co *		0		0	0
Regional Alternative/Pittsylvania Co *		30			0
Regional Alternative/Wythe Co *		0		0	0
Regional Learning Academy/Wise Co *		0			0
Renaissance/Scott Co *		0		0	0
Richmond City	21706	1217	2721		0
Richmond County	1346	21		0	0
Roanoke City	13707	1023	1597	0	0
Roanoke County	13819	807	427	0	0
Rockbridge County	2550	141		0	0
Rockingham County	11516	656	463	0	
Rowanty Vocational-Technical Center *		0		0	0

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Salem City	3751	0	177	0	0
Scott County	4028	161	129		0
Shenandoah County	5633	455	128	0	0
Smyth County	3983	22		0	0
Southampton County	2479	80	187	0	
Southeastern Cooperative Educational Program	*	0	113	0	0
Special Ed Private Schools	*	25	49	0	0
Spotsylvania County	24260	1476	1083	0	0
Stafford County	31160	751	1157		0
Staunton City	2695	143	192	0	0
Suffolk City	14490	1219	1101		0
Surry County	685	46		0	0
Sussex County	998	0		0	0
Tazewell County	5422	309	373		0
Valley Career and Technical Center	*	0		0	0
Virginia Beach City	65550	3561	4052		0
Warren County	5170	402	363	0	0
Washington County	6745	352	297	0	0
Waynesboro City	3043	136	176	0	0
West Point	810	57		0	0
Westmoreland County	1561	138		0	0
Williamsburg-James City County	11642	587	469	0	0
Winchester City	4268	410	199	0	0

Wise County	5913	562	137		
Wythe County	3880	291	242	0	0
York County	12957	386	532		0

Chart V: Black-White and Disability Status Disparity for In-School Suspensions

Division Name	% of Black Students In-School Suspended at Least Once	% of White Students In-School Suspended at Least Once	Risk Difference	% of Students with Disabilities In-School Suspended at Least Once	% of Students without Disabilities In-School Suspended at Least Once	Risk Difference
Accomack County	21.12%	13.44%	7.69%	19.85%	14.13%	5.72%
Albemarle County	8.46%	2.84%	5.62%	6.45%	3.12%	3.33%
Alexandria City	2.11%			2.00%	0.92%	1.08%
Alleghany County		3.26%		4.53%	2.97%	1.56%
Amelia County	20.00%	12.53%	7.47%	24.57%	18.52%	6.05%
Amherst County	17.33%	13.36%	3.98%	14.14%	14.27%	-0.13%
Appomattox County	11.33%			7.87%	5.87%	1.99%
Appomattox Regional Governor's School	0.00%	0.00%	0.00%	0.00%		
Arlington County	2.90%	0.45%	2.45%	2.65%	0.84%	1.81%
Augusta County		4.16%		5.95%	3.95%	2.00%
Bath County						
Bedford County	15.16%	9.27%	5.89%	15.82%	8.70%	7.12%
Bland County	0.00%				2.17%	
Botetourt County		4.50%		7.52%	4.13%	3.39%
Bristol City		4.58%		7.05%	4.64%	2.41%
Brunswick County	6.39%			8.99%	5.35%	3.65%
Buchanan County		2.84%		3.47%	2.80%	0.67%

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Buckingham County	13.10%	6.27%	6.83%	9.45%	8.84%	0.60%
Buena Vista City		5.97%		8.62%	5.31%	3.31%
Campbell County	14.24%	2.49%	11.75%	12.99%	10.31%	2.68%
Caroline County	15.99%	9.07%	6.92%	11.44%	11.30%	0.14%
Carroll County	0.00%	3.38%	-3.38%	4.84%	2.96%	1.88%
Charles City County				15.13%	9.48%	5.65%
Charlotte County	18.45%	12.39%	6.06%	23.41%	12.85%	10.56%
Charlottesville City	3.26%			2.85%	1.17%	1.68%
Chesapeake City	12.80%	4.04%	8.76%	9.82%	6.45%	3.37%
Chesterfield County	9.04%	3.27%	5.77%	8.32%	4.74%	3.58%
Clarke County		5.55%		14.42%	4.92%	9.50%
CodeRVA Regional High School						
Colonial Beach	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Colonial Heights City	15.53%	9.70%	5.83%	15.09%	10.38%	4.71%
Craig County	0.00%	11.04%	-11.04%	15.97%	9.50%	6.47%
Culpeper County	13.67%	7.58%	6.09%	12.09%	8.50%	3.59%
Cumberland County	7.66%	4.64%	3.01%	12.57%	5.29%	7.29%
Danville City	10.35%			10.88%	8.19%	2.69%

Dickenson County	0.00%	4.95%	-4.95%	10.73%	3.86%	6.86%
Dinwiddie County	5.46%	4.10%	1.37%	7.93%	3.96%	3.97%
Enterprise Academy/Newport News City	0.00%	0.00%	0.00%			
Essex County	9.52%			10.63%	7.57%	3.06%
Fairfax County	5.18%	1.60%	3.57%	5.47%	2.13%	3.34%
Falls Church City	0.00%					

Fauquier County	7.78%	3.34%	4.44%	6.21%	3.46%	2.75%
Floyd County	0.00%	8.60%	-8.60%	13.45%	7.66%	5.79%
Fluvanna County		3.31%		5.35%	3.36%	1.99%
Franklin City	17.21%			16.38%	14.33%	2.05%
Franklin County		21.60%		10.44%	5.86%	4.58%
Frederick County	0.00%	0.00%	0.00%		0.00%	
Fredericksburg City	18.83%	7.43%	11.40%	10.80%	4.80%	6.00%
Galax City				9.30%	4.50%	4.81%
Giles County		4.43%		9.16%	3.11%	6.06%
Gloucester County	15.56%	10.64%	4.91%	14.81%	10.23%	4.58%
Goochland County	13.47%	7.03%	6.44%	12.46%	7.86%	4.60%
Governor's School for the Arts						
Grayson County	0.00%					
Greene County		2.81%		4.55%	2.82%	1.73%
Greensville County	12.18%			13.18%	9.78%	3.39%
Halifax County	6.02%	2.98%	3.05%	5.17%	4.13%	1.04%
Hampton City	4.50%	2.29%	2.20%	4.33%	3.60%	0.73%
Hanover County	9.45%	4.42%	5.03%	9.21%	4.16%	5.05%

Harrisonburg City				2.99%	1.10%	1.89%
Henrico County	10.41%	4.39%	6.02%	11.09%	5.70%	5.39%
Henry County	3.86%	3.29%	0.58%	4.69%	2.85%	1.84%
Highland County	0.00%				0.00%	
Hopewell City	5.21%			6.19%	3.81%	2.38%
Independence Nontraditional School - Middle	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

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Isle of Wight County	8.56%	4.09%	4.47%	9.86%	4.55%	5.32%
King George County	14.42%	6.52%	7.91%	13.36%	7.03%	6.34%
King William County		5.05%		10.17%	4.42%	5.75%
King and Queen County		6.12%		14.73%	3.43%	11.30%
Lancaster County	21.86%	12.59%	9.26%	27.78%	15.96%	11.81%
Lee County		4.15%		4.63%	4.20%	0.43%
Lexington City				0.00%		
Loudoun County	4.82%	2.29%	2.52%	5.25%	2.25%	3.00%
Louisa County	11.10%	9.16%	1.94%	16.30%	8.13%	8.17%
Lunenburg County	10.57%	7.52%	3.05%	12.61%	7.02%	5.59%
Lynchburg City	6.37%	4.59%	1.77%	12.59%	9.10%	3.49%
Madison County		11.34%		14.20%	11.11%	3.09%
Manassas City				4.09%	2.08%	2.01%
Manassas Park City				8.61%	4.89%	3.72%
Martinsville City	16.95%			13.24%	13.07%	0.17%
Massanutten Technical Center	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Mathews County				7.32%	3.88%	3.43%
Mecklenburg County	12.74%	4.91%	7.83%	9.11%	8.45%	0.66%
Middlesex County		8.87%		13.73%	9.33%	4.40%
Montgomery County	9.77%	6.27%	3.50%	12.32%	5.24%	7.08%
Nelson County	17.41%	10.83%	6.58%	15.10%	10.93%	4.17%

New Horizons Regional Education Center - Special Education						
New Kent County		9.70%		12.23%	9.77%	2.46%
Newport News City	10.08%	4.44%	5.64%	11.55%	7.11%	4.44%
Norfolk City	6.02%	2.41%	3.61%	5.99%	4.35%	1.64%
Northampton County	15.79%			11.56%	9.57%	1.99%
Northern Neck Technical Center						
Northumberland County				6.92%	4.71%	2.21%
Northwestern Regional Education Program						
Norton City					1.78%	
Nottoway County	9.54%			9.91%	6.02%	3.90%
Orange County	7.08%	5.16%	1.92%	8.11%	4.94%	3.17%
Page County		11.38%		16.16%	10.58%	5.58%
Patrick County		3.24%		3.10%	3.30%	-0.20%
Petersburg City	5.03%			5.31%	4.45%	0.86%
Petersburg Regional Alternative						
Piedmont Alternative School						
Piedmont Regional Education Program						
Pittsylvania County	21.60%	12.72%	8.88%	20.46%	13.97%	6.50%
Poquoson City					3.76%	

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Portsmouth City	4.23%	2.68%	1.55%	5.42%	3.45%	1.97%
Powhatan County		6.64%		11.30%	6.18%	5.12%
Prince Edward County	0.00%	0.00%	0.00%			
Prince George County	7.80%	3.61%	4.19%	6.84%	4.76%	2.08%
Prince William County	2.35%	0.16%	2.19%	2.31%	1.34%	0.97%
Project Renew/Northampton Co						
Pulaski County				1.81%	1.40%	0.41%
Radford City		2.07%		5.75%	1.98%	3.77%
Rappahannock County					4.94%	
Regional Alternative Ed/King William						
Regional Alternative Ed/Stafford Co						
Regional Alternative/Pittsylvania Co						
Regional Alternative/Wythe Co						
Regional Learning Academy/Wisconsin Co						
Renaissance/Scott Co						
Richmond City	7.46%			10.21%	4.91%	5.30%
Richmond County					1.80%	
Roanoke City	11.09%	4.84%	6.25%	9.12%	7.15%	1.97%
Roanoke County	11.10%	5.15%	5.95%	9.30%	5.15%	4.14%
Rockbridge County		5.45%		6.70%	5.31%	1.39%

Rockingham County		5.66%		7.72%	5.46%	2.26%
Rowanty Vocational-Technical Center						
Salem City						
Scott County		4.34%		6.55%	3.43%	3.12%
Shenandoah County		7.51%		12.89%	7.15%	5.73%
Smyth County					0.66%	
Southampton County				3.20%	3.23%	-0.03%
Southeastern Cooperative Educational Program						
Spotsylvania County	9.44%	5.22%	4.22%	9.04%	5.56%	3.47%
Stafford County	3.80%	1.60%	2.19%	4.40%	2.11%	2.29%
Staunton City		3.31%		6.18%	5.17%	1.02%
Suffolk City	11.02%	4.54%	6.49%	12.61%	7.82%	4.79%
Surry County				10.85%	5.76%	5.10%
Sussex County		0.00%				
Tazewell County		5.67%		8.88%	5.05%	3.84%
Valley Career and Technical Center						
Virginia Beach City	10.47%	3.85%	6.62%	8.31%	5.01%	3.30%

Warren County		7.73%		12.02%	7.17%	4.85%
Washington County		5.00%		9.63%	4.34%	5.29%
Waynesboro City	10.08%			5.28%	4.35%	0.92%
West Point				16.00%	5.77%	10.23%
Westmoreland County	9.66%			11.26%	8.44%	2.82%
Williamsburg-James City County	9.71%	3.75%	5.96%	8.08%	4.47%	3.61%

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Winchester City	15.09%	7.08%	8.01%	16.70%	8.49%	8.21%
Wise County		9.59%		15.53%	8.53%	7.01%
Wythe County		7.32%		7.18%	7.56%	-0.39%
York County	5.37%	2.50%	2.88%	5.60%	2.65%	2.96%

Chart VI: Black-White and Disability Status Disparity for Out-of-School Suspensions

District Name	% of students with one or more out-of-school suspensions	% of students with one or more out-of-school suspensions	% Black students with one or more out-of-school suspension	% Black students with one or more out-of-school suspension	% of white students with one or more out-of-school suspension	% of white students with one or more out-of-school suspension	Risk Difference
Accomack County	10.00%	10.00%	13.87%	13.87%	7.91%	7.91%	5.96%
Albemarle County	2.09%	2.09%	3.42%	3.42%	1.82%	1.82%	1.60%
Alexandria City	2.08%	2.08%	4.13%	4.13%			
Alleghany County	5.00%	5.00%			4.94%	4.94%	
Amelia County	17.88%	17.88%			10.81%	10.81%	
Amherst County	0.00%	0.00%					
Appomattox County	8.77%	8.77%					

Appomattox Regional Governor's School							
Arlington County	1.26%	1.26%	3.93%	3.93%			
Augusta County	6.74%	6.74%			6.74%	6.74%	
Bath County							
Bedford County	4.18%	4.18%			3.78%	3.78%	
Bland County			0.00%	0.00%			
Botetourt County	2.85%	2.85%			2.78%	2.78%	
Bristol City							
Brunswick County	18.01%	18.01%	20.30%	20.30%			
Buchanan County			0.00%	0.00%			
Buckingham County	7.23%	7.23%					
Buena Vista City			0.00%	0.00%			
Campbell County	8.50%	8.50%	11.76%	11.76%	7.65%	7.65%	4.11%
Caroline County	8.05%	8.05%	12.49%	12.49%	6.38%	6.38%	6.10%
Carroll County	4.85%	4.85%	0.00%	0.00%	4.92%	4.92%	-4.92%
Charles City County							

Charlotte County							
Charlottesville City							
Chesapeake Bay Governor's School							
Chesapeake City	7.59%	7.59%	13.34%	13.34%	4.70%	4.70%	8.65%
Chesterfield County	4.59%	4.59%	8.94%	8.94%	2.81%	2.81%	6.13%
Clarke County							
CodeRVA Regional High School							
Colonial Beach							
Colonial Heights City	7.70%	7.70%	11.98%	11.98%	5.74%	5.74%	6.25%
Covington City							
Craig County			0.00%	0.00%	0.00%	0.00%	0.00%
Culpeper County	6.38%	6.38%			6.11%	6.11%	
Cumberland County							
Danville City	13.70%	13.70%	16.17%	16.17%			
Dickenson County			0.00%	0.00%			
Dinwiddie County	8.13%	8.13%	11.29%	11.29%			

Enterprise Academy/Newport News City							
Essex County	8.52%	8.52%	9.35%	9.35%			
Fairfax County	1.99%	1.99%	4.69%	4.69%	1.10%	1.10%	3.60%
Falls Church City							
Fauquier County	3.13%	3.13%			2.90%	2.90%	
Floyd County							
Fluvanna County							
Franklin City	23.85%	23.85%	27.39%	27.39%			
Franklin County	9.01%	9.01%			8.54%	8.54%	
Frederick County	8.49%	8.49%			6.90%	6.90%	
Fredericksburg City	8.36%	8.36%	13.68%	13.68%			
Galax City							
Giles County	2.54%	2.54%			2.98%	2.98%	
Gloucester County	8.34%	8.34%			8.21%	8.21%	
Goochland County	3.93%	3.93%					
Governor's School for the Arts							
Grayson County			0.00%	0.00%			

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Greene County	6.94%	6.94%			7.26%	7.26%	
Greensville County	9.39%	9.39%	11.21%	11.21%			
Halifax County	9.25%	9.25%	12.10%	12.10%	7.19%	7.19%	4.91%
Hampton City	7.79%	7.79%	9.78%	9.78%			
Hanover County	3.43%	3.43%	7.51%	7.51%	2.97%	2.97%	4.53%
Harrisonburg City	3.92%	3.92%					
Henrico County	6.44%	6.44%	13.00%	13.00%	2.82%	2.82%	10.18%
Henry County	6.23%	6.23%	9.06%	9.06%	5.94%	5.94%	3.12%
Highland County			0.00%	0.00%			
Hopewell City	6.25%	6.25%	8.10%	8.10%			
Independence Nontraditional School - Middle							
Isle of Wight County	9.04%	9.04%	15.55%	15.55%	7.23%	7.23%	8.32%
King George County	6.70%	6.70%	13.05%	13.05%	5.19%	5.19%	7.86%

King William County	4.70%	4.70%					
King and Queen County							
Lancaster County	12.03%	12.03%					
Lee County							
Lexington City							
Loudoun County	0.78%	0.78%	1.76%	1.76%	0.66%	0.66%	1.10%
Louisa County	4.16%	4.16%			3.68%	3.68%	
Lunenburg County	8.51%	8.51%					
Lynchburg City	11.72%	11.72%	17.11%	17.11%	5.73%	5.73%	11.38%
Madison County							
Manassas City	2.62%	2.62%					
Manassas Park City	2.74%	2.74%					
Martinsville City	10.11%	10.11%					
Massanutten Technical Center							
Mathews County			0.00%	0.00%			
Mecklenburg County	11.25%	11.25%	15.41%	15.41%	8.13%	8.13%	7.28%
Middlesex County							
Montgomery County	5.18%	5.18%			5.08%	5.08%	
Nelson County	6.89%	6.89%					

New Horizons Regional Education Center - Special Education							
New Kent County	7.57%	7.57%			7.56%	7.56%	
Newport News City	11.62%	11.62%	15.62%	15.62%	6.13%	6.13%	9.50%
Norfolk City	11.19%	11.19%	15.67%	15.67%	4.20%	4.20%	11.46%
Northampton County	10.23%	10.23%	17.02%	17.02%			
Northern Neck Technical Center							
Northumberland County							
Northwestern Regional Education Program							
Norton City							
Nottoway County	8.28%	8.28%					

Orange County	5.47%	5.47%			5.03%	5.03%	
Page County			0.00%	0.00%			
Patrick County							
Petersburg City	19.57%	19.57%	21.68%	21.68%			
Petersburg Regional Alternative							
Piedmont Alternative School							
Piedmont Regional Education Program							
Pittsylvania County	10.52%	10.52%	16.30%	16.30%	9.00%	9.00%	7.30%
Poquoson City							
Portsmouth City	12.49%	12.49%	14.38%	14.38%	8.62%	8.62%	5.76%
Powhatan County	4.96%	4.96%			4.55%	4.55%	
Prince Edward County			0.00%	0.00%	0.00%	0.00%	0.00%
Prince George County	8.37%	8.37%	12.80%	12.80%	6.55%	6.55%	6.25%
Prince William County	3.64%	3.64%	6.32%	6.32%	2.03%	2.03%	4.29%
Project Renew/Northampton Co							
Pulaski County	6.75%	6.75%			5.89%	5.89%	
Radford City							
Rappahannock County							

SUSPENDED PROGRESS 2024

Regional Alternative Ed/King William							
Regional Alternative Ed/Stafford Co							
Regional Alternative/Pittsylvania Co							
Regional Alternative/Wythe Co							
Regional Learning Academy/Wise Co							
Renaissance/Scott Co							
Richmond City	12.54%	12.54%	17.71%	17.71%			
Richmond County							
Roanoke City	11.65%	11.65%	19.42%	19.42%	6.79%	6.79%	12.63%
Roanoke County	3.09%	3.09%					

Rockbridge County							
Rockingham County	4.02%	4.02%			3.93%	3.93%	
Rowanty Vocational- Technical Center							
Salem City	4.72%	4.72%			3.95%	3.95%	
Scott County	3.20%	3.20%			3.39%	3.39%	
Shenandoah County	2.27%	2.27%					
Smyth County							
Southampton County	7.54%	7.54%					
Southeastern Cooperative Educational Program							
Special Ed Private Schools							
Spotsylvania County	4.46%	4.46%	8.37%	8.37%	3.36%	3.36%	5.01%
Stafford County	3.71%	3.71%	5.83%	5.83%	2.93%	2.93%	2.89%
Staunton City	7.12%	7.12%			5.80%	5.80%	
Suffolk City	7.60%	7.60%	9.75%	9.75%	5.18%	5.18%	4.56%
Surry County							
Sussex County							
Tazewell County	6.88%	6.88%			6.73%	6.73%	
Valley Career and Technical Center							
Virginia Beach City	6.18%	6.18%	12.09%	12.09%	4.16%	4.16%	7.93%
Warren County	7.02%	7.02%			7.00%	7.00%	
Washington County	4.40%	4.40%			4.11%	4.11%	
Waynesboro City	5.78%	5.78%					
West Point							
Westmoreland County							
Williamsburg-James City County	4.03%	4.03%	8.97%	8.97%	2.37%	2.37%	6.59%
Winchester City	4.66%	4.66%					
Wise County	2.32%	2.32%			2.17%	2.17%	
Wythe County	6.24%	6.24%			5.94%	5.94%	

Endnotes:

1. Suspended Progress 2018. The Legal Aid Justice Center (LAJC). October 2018.
2. VA. CODE ANN. § 22.1-277.2:2 (2019) (requiring DOE to report on alternative placement); VA. CODE ANN. § 22.1-279.10 (2023) (requiring Department of Criminal Justice to report on use of force).
3. VA CODE. ANN. § 22.1-277 (2018) (prohibiting the suspension of third graders and younger except in some circumstances).
4. VA CODE. ANN. § 22.1-277.05 (2018) (altering the definition of long-term suspension).
5. VA. CODE ANN. § 22.1-277.04 (2020) (requiring schools to provide suspended students with access to graded work).
6. VA. CODE ANN. § 22.1-279.3:1 (2022) (eliminating requirement for superintendents to refer misdemeanors to law enforcement).
7. Suspended Progress 2018 reported ongoing problems with Virginia’s alternative school system first identified by the Virginia Commission on Youth a decade earlier including, “the lack of information on the availability of local programs that provide alternative educational services; the lack of guidance/standards for local alternative education schools/programs; . . . lack of tracking students when they attend alternative education; and a shortage of school-based prevention programs.” See n 1 at 9. These issues persist.
8. Data for SY 2022-2023 provided to the Legal Aid Justice Center by the Virginia Department of Education pursuant to a Virginia Freedom of Information Act request.
9. As of the publication of this report, VDOE has not posted data regarding alternative school placements. Data for this report for SY 2022-2023 was obtained by LAJC via a Virginia Freedom of Information Act request.
10. Compared to other states, Virginia had the 15th highest suspension rate (5.7%) and the 11th highest count of students out-of-school suspended nationally (74,032). Source: U.S. Department of Education Office for Civil Rights, Civil Rights Data Collection 2017-2018 State and National Tables, 2017-2018 One or More Out-of-School Suspensions: <https://civilrightsdata.ed.gov/estimations/2017-2018>. Analysis by contributing author Dr. Kathryn E. Wiley, Assistant Professor, Department of Educational Leadership and Policy Studies, School of Education, Howard University. Kathryn.wiley@howard.edu.
11. Id. at n. 8.

12. *Id.* at n. 8.

13. *Suspended Progress* 2018. The Legal Aid Justice Center (LAJC). October 2018.

14. 2019-2020 data represents approximately 70% of the actual school year due to pandemic-related school closures in March of 2020. *Id.*

15. Department of Education Office for Civil Rights, Civil Rights Data Collection and data obtained from the Virginia Department of Education (2013-2014, 2015-2016, 2017-18, 2019-2020). Analysis by contributing author Dr. Kathryn E. Wiley, Assistant Professor, Department of Educational Leadership and Policy Studies, School of Education, Howard University. Kathryn.wiley@howard.edu.

16. Black students make up 21.46% of K-12 enrollment in Virginia during the 2023-2024 school year according to the more recent enrollment data. VDOE SY 23-24 Enrollment Data.

17. VA. CODE ANN. §22.1-276.01

18. Examples of disciplinary alternative education placements include—Full-day separate schools where disciplined students are all educated together; Full-day classrooms, housed in the student’s existing school, but physically and functionally separated from the mainstream school environment; Partial-day or after-hours program (which may be paired with existing nontraditional programs, like night school), and Home-bound or home-based in the student’s home, with an internet-based curriculum or live tutor check-in for a limited number of hours per week.

19. VA. ANN. CODE §22.1-277.2:1.

20. *Id.* at n. 8.

21. Camila Cribb Fabersunne, MD, MPH, et al. Exclusionary School Discipline and School Achievement for Middle and High School Students, by Race and Ethnicity. *Journal of the American Medical Association (JAMA)*. October 20, 2023.

22. *Id.* at n. 8.

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24. American Institutes of Research. Exclusionary School Discipline. November 2020.

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30. Rachael Deane. Children are in distress. Virginia must act—now. Richmond Times-Dispatch. August 18, 2023.
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34. American School Counselors Association. The School Counselor and Students with Disabilities. Revised 2022.
35. Id. citing data from U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Public Elementary/Secondary Education Survey," 2021–2022. Revised January 10, 2023.
36. Virginia Department of Education. Virginia Tiered Systems of Supports (VTSS).
37. Todić J, Cubbin C, Armour M, Rountree M, González T. Reframing school-based restorative justice as a structural population health intervention. *Health Place*. 2020 Mar; 62:102289. doi: 10.1016/j.healthplace.2020.102289. Epub 2020 Feb 4. PMID: 32479366; PMCID: PMC10371223.
38. Corey Mitchell et al. When schools call police on kids: Schools refer tens of thousands of students to law enforcement every year. Black children and students with disabilities get the brunt of it. The Center for Public Integrity. September 8, 2021.
39. Assessment of Virginia's Disability Services System: The School to Prison Pipeline. Virginia Board for People with Disabilities. June 30, 2022.

40. Id.

41. Amy Woolard et al. Decriminalizing Childhood: Ending School-Based Arrest for Disorderly Conduct. The Legal Aid Justice Center. October 2019.

42. Corey Mitchell. Schools target students with disabilities for discipline ‘too often’: New federal guidelines remind schools that special educators and mental health professionals are better equipped to deal with student struggles than police. The Center for Public Integrity. August 12, 2022.

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46. VA. CODE ANN. §22.1-277.2:1. Local school divisions have unilateral authority to “reassign” students to alternative education programs under a wide litany of circumstances. Students can be kept in these alternative placements for weeks, months, years, or even for the duration of their public-school tenure. VA CODE ANN. §22.1-277.2:1 authorizes the reassignment after written notice to the student and parent, which includes the opportunity to participate in a hearing conducted by the superintendent or their designee regarding the placement.

47. LAJC identified issues with the consistency of alternative educational placements in Suspended Progress 2018. A review of the anecdotal record from cases investigated by LAJC since that time indicates that these inconsistencies continue.

48. School Suspensions, Discipline Policies Wrap Up After COVID-19. National Criminal Justice Association (NCJA). September 13, 2023.

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50. LAJC obtained the 2022-2023 SY data for this report via a Virginia Public Information Act request to VDOE.

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