



Virgin Islands Department Education
State Office of Special Education
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SUSPENSION AND EXPULSION

Building a Supportive School Environment for Every Student/Child/Youth

From the Desk of the State Director
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Welcome Educators and Advocates to the Volume 3 edition of the State Office of Special Education's Newsletter, where the State Office of Special Education team continues to explore critical issues in Special Education under the Individuals with Disabilities Education Law (IDEA) statute. In our Introductory Back to School Issue, the State Office of Special Education (SOSE) defined special education, introduced the 14 disability categories, and highlighted parent participation/their rights under the IDEA. Volume 2 (Holiday Edition) focused on the Manifestation Determination Review, its procedure, and protection for students/children with disabilities who face discipline. In this edition, the State will focus on **Suspension and Expulsion Practices in Special Education** – a topic at the intersection of education, equity, and inclusion.

Suspension and expulsions can have profound and lasting impacts on all students, but for children with disabilities, the stakes are incredibly high. Creating a positive and inclusive learning environment for children/youth with disabilities is a shared responsibility. This newsletter aims to foster a deeper understanding of these issues and provide strategies to support all students, namely children/youth with disabilities. Together, we can ensure that all children have the opportunity to thrive academically, socially, and emotionally. By focusing on proactive, supportive practices, we can address behavioral challenges in ways that respect the needs of every child or youth.

Glimpse at What Does the Data Say?

According to recent statistics, published by the National Education Association (NEA) and U.S. Department of Education, Office for Civil Rights (OCR) students/children with disabilities are twice as likely to face suspensions compared to their non-disabled peers; and are often disproportionately affected by zero-tolerance policies and disciplinary practices. These trends raise questions about fairness and the effectiveness of disciplinary actions in supporting students/children with disabilities. Why does this matter? For students/children with disabilities, school can be both a place of

Define Suspension. Suspension refers to temporarily removing a student from their regular educational setting due to behavioral issues.

Types of Suspension

1. In-school suspension. The student remains on campus but is removed from their regular classroom and placed in a designated area where they complete their work under supervision.

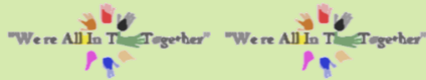
2. Out-of-school suspension. The student is required to stay home for a specified period. OSS may be used for infractions but can disrupt learning and often exacerbate challenges for students/children with disabilities.

3. Short-Term Suspension. This refers to suspensions lasting 10 days or fewer. For students/children with IEPs or 504 Plans, schools must ensure the suspension does not deny access to a free appropriate public education (FAPE).

4. Long-Term Suspension. A suspension exceeding 10 days is typically reserved for severe cases. Before proceeding, schools must hold a Manifestation Determination Review (MDR) to determine if the behavior is a result of the student's disability.

Understanding these distinctions is crucial for parents and administrators to ensure disciplinary actions are fair and comply with special education laws.

opportunity and unique challenges. While disciplinary actions like suspension and expulsion are sometimes necessary, they should always be a last resort. Overusing these measures can lead to missed educational opportunities; emotional distress for the child and family; and strained relationships between parents and schools.



Legal Protections for Students with Disabilities

IDEA: Individuals with Disabilities Education Act

- Manifestation Determination reviews (MDR): before a long-term suspension or expulsion (10+ days), the school must determine if the behavior is directly linked to the student's disability.
- Behavioral Intervention Plans (BIP): Schools must proactively address challenging behaviors through individualized strategies

Section 504 of the Rehabilitation Act

- Schools must provide accommodations and avoid discriminatory practices when disciplining students with disabilities.

Protections for Parents

- Parents have the right to challenge disciplinary decisions, request evaluations, or convene an IEP meeting to address behavioral concerns

A Path Forward Together

Suspension and expulsion decisions should never be made in isolation. By building partnerships between parents, educators, and administrators, we can create solution that work for everyone involved.

This means:

- holding regular team meetings to discuss a student's progress and any concerns;
- reviewing IEPs or 504 Plans to ensure behavioral needs are addressed effectively;
- remaining patient and committed to the success of each student.

Thank You and Next Steps

Thank you for your dedication to our children and building an equitable and inclusive school community. Let's work together to ensure all students/children with disabilities receive the support and respect they deserve. The State Office of Special Team invites you to attend any upcoming workshop in special education.

To share your feedback or to offer suggested topics, please contact the State Office of Special Education at (340) 773-1095, Extension 7087 (St. Croix) or (340) 774-0100, ext. 8802 (St. Thomas)



Best Practices for Avoiding Suspension/Expulsion Supporting students/children with disabilities requires collaboration between parents and educators.

Strategies for Parents

1. Communicate Early and Often: Keep an open line of communication with teachers and administrators. Share insights about your child's needs, triggers, and effective strategies.

2. Understanding Your Child's Rights: Familiarize yourself with the Individualized Education Plan (IEP), a personalized document outlining a child's educational needs and how they will be met, as well as how it can address behavior concerns. Request behavioral support or modifications as needed.

3. Be an Advocate: If disciplinary actions are being considered, work closely with the school to explore alternative solutions.

Strategies for Administrators

1. Preparing Your Staff: Provide Staff Training. Equip Teachers and staff with tools to understand and support children with disabilities, including de-escalation techniques and restorative practices, so they feel prepared and competent.

2. Implement Positive Behavior Supports: Use proactive strategies to encourage desired behaviors and prevent issues before they escalate.

3. Personalize Discipline: Recognize that one-size-fits-all policies may not work. Tailor interventions to align with the student's needs and the goals of their IEP.

4. Encourage accountability and problem-solving rather than exclusion.

5. Provide staff training on disability rights, behavior management, and inclusive practices.

6. Foster a school-wide culture of inclusion and understanding.



The State Office of Special Education is conducting an intensive drive to recruit members for the Virgin Islands Advisory Panel on Special Education (VIAPSE). The IDEA establishes that each State establish and maintain an advisory panel for the purpose of advising the State special education staff regarding the education of eligible children with disabilities.

If this sounds like you, contact us today,
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