

# 1996 SESSION

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## SENATE JOINT RESOLUTION NO. 75

Offered January 22, 1996

*Memorializing Congress to provide, in the reauthorization of the Individuals with Disabilities Education Act, disciplinary flexibility to state and local education agencies.*

Patrons—Newman, Barry, Holland and Miller, K.G.; Delegate: Bryant

Referred to the Committee on Rules

WHEREAS, the epidemic of violence which has engulfed this country has spread to children and has spilled over into every realm of society, including our local public elementary and secondary schools; and

WHEREAS, public school officials have endeavored, by engaging in broad-based discussion and solution development, to ensure safe and healthy environments, conducive to learning, in the Commonwealth's schools; and

WHEREAS, however, many disciplinary measures have been, and may be necessary in the future, to provide disincentives to unacceptable behavior; and

WHEREAS, public schools have a statutory responsibility for educating students with disabilities, pursuant to the federal Individuals with Disabilities Education Act and long-standing state law; and

WHEREAS, Virginia has always been proud of her history of enlightened and progressive policies for students with disabilities, establishing state law for education of handicapped students long before the federal law was enacted, and operating programs and facilities to educate such students at state expense; and

WHEREAS, however, in recent years, the Commonwealth has been engaged in a legal tug of war with the federal government because of its policy of equal application of disciplinary requirements; and

WHEREAS, the Commonwealth is presently under a hearing officer's order to provide free appropriate educational programs to all students with disabilities, including those students who have engaged in violent or dangerous behavior and have subsequently been suspended or expelled; and

WHEREAS, although Virginia will comply with dignity to this order, this matter is still being contested, and many experts and other citizens believe that violence can only be curbed in the public schools by providing equitable and strong measures for the discipline of all students, including those students with disabilities who have been suspended or expelled and whose behavior is unrelated to their handicaps; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Congress of the United States be hereby memorialized to provide, in the reauthorization of the Individuals with Disabilities Education Act, disciplinary flexibility to state and local education agencies in order that they might more easily be able to ensure safe and healthy learning environments in the Commonwealth's public schools; and be it

RESOLVED FURTHER, That the Clerk of the Senate shall transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia congressional delegation in order that they may be apprised of the sense of this body.

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