

# **ARTICLE III: CODE OF STUDENT CONDUCT**

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## **POLICY 7-3.1 CODE OF STUDENT CONDUCT**

### **Philosophy**

Recognizing the importance of the dignity and worth of each individual, the Poquoson City School Board believes that it should provide an atmosphere of respect conducive to teaching and learning in which the intellectual, physical, emotional, and social needs of students are met. Students, parents, administrators, teachers and all other staff members are responsible for maintaining a school environment in which educational programs can prosper and extracurricular programs can be provided for the benefit of all participants.

It is the primary responsibility of students to maintain a climate of mutual respect and trust so the dignity of the individual can be protected and the pursuit of opportunities for each student may be realized. It is the responsibility of administrators, teachers, and all other school staff to be consistent and fair in the application of all School Board policies and all school regulations.

### **Code of Student Conduct**

The Code of Student Conduct shall be reviewed, revised, if necessary, and re-adopted annually. The School Board shall supervise and discipline students in accordance with federal and state law and regulations.

### **Communication of Policy to Students and Parents**

Students and parents will receive a copy of the student conduct policy and the Code of Student Conduct annually. Students and parents will be required to sign a statement indicating that they are aware of the policy guidelines and sanctions for misconduct. The signed statement will be kept on file in the school office. Students will receive information about this policy and the Code of Student Conduct from teachers and/or other school personnel during the first 10 days of school.

### **Students with Disabilities**

Students with disabilities will be disciplined consistent with all applicable law.

LEGAL REFERENCE: Code of Virginia, §§ 22.1-23.3, 22.1-78, 22.1-276.01 through 22.1-280.4, 18.2-128, 18.2-308.1, 18.2-310

*Adopted: July 2009*

*Revised: September 2021*

## **POLICY 7-3.2 STUDENT AND PARENT RIGHTS AND RESPONSIBILITIES**

### **Student Rights and Responsibilities**

#### Student Rights

A student has all rights expressed and guaranteed by the United States Constitution and by federal, state, and local laws. These rights do not permit a student to disrupt the educational process, to break school rules, to present a health or safety hazard, or to disregard directions of those in authority. Individual rights do not include infringing upon the rights of others in the school community.

To the extent permitted by applicable law, students have the right to:

1. a public education without regard to gender, race, religion, national origin, or any reason not related to their individual capabilities;
2. an orderly school and classroom environment which will allow optimum learning, emphasizing the values of responsibility, kindness, fairness, and safety; and
3. express themselves in speech, writing, or symbols, consistent with their constitutional rights and School Board policy.

#### Student Responsibilities

It is the primary responsibility of students to maintain a climate of mutual respect and trust in order that the dignity of the individual be protected and the pursuit of opportunities for each student may be realized.

Students are responsible for:

1. knowing and complying with any rules or regulations of the School Board, as well as local, state, and federal laws;
2. attending school regularly, equipped with the materials needed to attend class and complete class assignments and/or requirements; and
3. contributing to a climate of mutual respect for all within each school so that the hopes and ambitions of all individuals may be realized.

### **Parental Responsibilities**

Each parent has the duty to assist the school in enforcing the Code of Student Conduct and the attendance policies in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. Any school principal may request a student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his/her designee to review the School Board's Code of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress.

Within one calendar month of the opening of school, The Poquoson City School Board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student:

1. a notice of the requirements of Virginia Code § 22.1-279.3 regarding "Parental Responsibility and Involvement Requirements,"
2. a copy of the School Board's standards of student conduct, and
3. a copy of the Virginia compulsory school attendance law.

These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia and that a parent shall have the right to express disagreement with a school's or the school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the School Board's standards of student conduct, the notice of the

requirements of Virginia Code § 22.1-279.3, and the Virginia compulsory school attendance law. Each Poquoson city public school shall maintain records of such signed documents.

The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his/her designee to review the School Board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with Virginia's compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.

In accordance with all due process requirements in applicable Virginia law, the school principal may notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state:

1. the date and particulars of the violation;
2. the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance;
3. that, if the student is suspended, the parent may be required to accompany the student to meet with school officials, and
4. that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

No suspended student shall be admitted to the regular school program until such student and his parent(s) have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference is appropriate for the student.

Upon failure of a parent to comply with the provisions of Virginia Code §22.1-279.3, the School Board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance.

*Adopted: July 2009*

### **POLICY 7-3.3 SPECIFIC OFFENSES**

Offenses for which students shall be subject to discipline and the range of potential consequences for such offenses shall be provided by regulation in the Code of Student Conduct. In addition to all offenses as outlined in the Code of Student Conduct, the School Board shall review all incidents regarding the use of drugs, alcohol and anabolic steroids, and weapons as outlined below:

#### **Drugs, Alcohol and Anabolic Steroids**

The School Board shall expel from school attendance any student whom the School Board has determined, in accordance with the procedures set forth in this Code of Conduct, to have possessed a controlled substance, imitation controlled substance, or marijuana as defined in Virginia Code Section 18.2-247 on school property or to a school-sponsored activity. A school administrator designated by the division superintendent or the School Board may, however, determine based on the facts of the particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. In addition, the School Board may, by regulation, authorize the division superintendent or his/her designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the Code of Virginia. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

#### **Weapons**

In accordance with § 22.1-277.07 of the Code of Virginia, a student who is determined to have possessed a "firearm," "destructive device," "firearm muffler" or firearm silencer" or a "pneumatic gun" as defined below or by applicable law, on school property or to a school-sponsored activity shall be expelled for no less than one calendar year (365 days). A school administrator designated by the division superintendent or the School Board may, however, determine, based on the facts of the particular case, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the division superintendent or his/her designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the Code of Virginia. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

Any student who brings or possesses a weapon, as defined within this section, to or on school property, shall be referred to the criminal justice or juvenile justice system.

*Adopted: July 2009*

*Revised: August 2014*

### **POLICY 7-3.4 NOTICE OF SUSPENSIONS AND EXPULSIONS**

The School Board may suspend or expel students from attendance at school for sufficient cause and notice shall be provided to the student and parent as required by applicable law.

Except in the case of a student for whom the superintendent has received a report pursuant to Virginia Code § 16.1-305.1 of an adjudication of delinquency or a conviction, or Virginia Code § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the Superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education

All suspended students shall be given the opportunity to access and complete graded work during and after the suspension

#### **Short-Term Suspensions**

A student may be suspended for not more than ten (10) school days by either the school principal, any assistant principal, or, in their absence, a designee. Except when the Superintendent has received a report pursuant to Virginia Code § 16.1-305.1 of an adjudication of delinquency or a conviction, or Virginia Code § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the Superintendent or his designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education (VDOE). The principal, assistant principal, or designee may suspend the student after giving the student oral or written notice of the charges against him/her and, if the student denies the grounds for the charges, an explanation of the facts as known to school personnel and an opportunity to present the student's version of what occurred. Additionally, oral or written notice shall be provided to the parent of a student who is suspended from school attendance for not more than ten days. The notification shall include:

1. the length of the suspension;
2. information regarding the availability of community-based educational programs, alternative education programs or other educational options; and
3. the student's right to return to regular school attendance upon the expiration of the suspension.

The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

In the case of any student whose presence poses a continuing danger to persons or property, or whose presence creates an ongoing threat of disruption, the student may be removed from school immediately and the notice, explanation of facts, and opportunity to present his/her version shall be given as soon as practicable thereafter.

#### **Long Term Suspensions**

A long-term suspension is any disciplinary action whereby a student is not permitted to attend school for more than ten (10) days, but less than 46 calendar days. A long-term suspension may extend beyond a 45 school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Code of Virginia § 22.1-277.07 or 22.1-227.08 or involves serious bodily injury or (ii) the School Board or Superintendent or his/her designee finds that aggravating circumstances exist, as defined by the VDOE.

A student may be suspended from attendance at school for more than ten (10) days after the student and his parent or guardian have been provided written notice of:

1. the suspension, the length of the suspension;
2. the right to a hearing;

3. that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension; and,
4. information concerning the availability of community-based educational, alternative education, or intervention programs.

The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by school division that the student may attend during his suspension shall be borne by the parent(s) or guardian of the student.

A long-term suspension may extend beyond a 45 school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Code of Virginia § 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or Superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

### **Aggravating Circumstances**

For the purposes of [§22.1-277](#) and [§22.1-277.05](#) of the *Code of Virginia* and according to the VDOE,, “aggravating circumstances” shall mean:

- i. That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
- ii. That a student’s presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
- iii. That a student engaged in a serious offense that is:
  - a) persistent (repeated similar behaviors are documented on the student’s disciplinary record), and
  - b) unresponsive to targeted interventions as documented through an established intervention process.

### **Expulsions**

An expulsion is any disciplinary action imposed by the School Board or a committee thereof, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion. Once a principal or designee determines that expulsion is warranted, the principal shall suspend the student for ten (10) days and forward to the division superintendent a written request that the student be expelled. The division superintendent may deny, alter or uphold the principal’s recommendation. The division superintendent shall notify the student and the student’s parents in writing regarding his/her decision. If the request for expulsion is upheld, the student and his parent or guardian will be provided with written notice of the proposed action and the reasons therefor and of the right to a hearing before the School Board. The written notice shall also contain the following information:

1. the length of the expulsion;
2. information concerning the availability of community-based educational programs, training programs, and intervention programs;
3. whether or not the student is eligible to return to regular school attendance or to attend an appropriate alternative education program approved by the School Board, or an adult education

- program offered by Poquoson City Public Schools, during or upon the expiration of the expulsion, and the terms or conditions of such readmission; and
4. the student's right to petition the School Board for readmission to be effective one (1) calendar year from the date of expulsion, and the conditions, if any, under which readmission may be granted, if the School Board determines that the student is ineligible to return to regular school attendance or to attend an alternative education program or adult education program during the expulsion.

The School Board shall establish, by regulation, a schedule pursuant to which students may apply and reapply for readmission to school.

### **Exclusion and Alternative Education Programs**

Exclusion is the School Board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty (30) calendar days by another School Board or private school, either in Virginia or another state, or from whom admission has been withdrawn by a private school in Virginia or another state. This may also govern those students excluded in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the Code of Virginia, which require any student who has been charged with an offense relating to the Commonwealth's laws or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person, found guilty or not innocent of a crime that resulted in or could have resulted in injury to others or of an offense that is required to be disclosed to the division superintendent pursuant to Virginia Code Section 16.1-260(G), suspended pursuant to Virginia Code Section 22.1-277.05 (Long-term suspensions), or expelled pursuant to Virginia Code Sections 22.1-277.06 (Expulsions), 22.1-277.07 (Expulsions in compliance with Gun-Free Schools Act) or subsection B of 22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred.

Upon a finding that a student presents a danger to the other students or staff of Poquoson City Public Schools, the student may be excluded from attendance at school if the student has been expelled or suspended for more than thirty (30) days from attendance at school by a school board or private school in Virginia or in another state or if the student's admission has been withdrawn by a private school in Virginia or in another state. Before a student may be excluded from attendance, the division superintendent shall issue written notice to the student and parent(s) or guardian that includes the following information:

1. that the student may be subject to exclusion and the reasons therefor;
2. that, in the event of such exclusion, the student and his or her parent(s) or guardian have the right to appeal the decision at a hearing before the School Board; and
3. that the division superintendent or his/her designee has conducted a review of the case and has recommended exclusion.

If the student and parent(s) or guardian disagree with the recommended exclusion, a written request for a hearing before the School Board must be submitted to the division superintendent within five (5) calendar days after receipt of written notice of the recommended exclusion. The School Board shall conduct a hearing on the recommended exclusion within thirty (30) days thereafter. The School Board shall notify the student and his or her parent(s) or guardian of its decision within fifteen (15) days following the hearing.

Regardless of whether a student exercises his or her right to a hearing before the School Board, the School Board shall confirm or disapprove every recommended exclusion. The School Board may permit or require students excluded from attendance at school to attend an alternative education program provided by the School Board for the term of the exclusion.

The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by Poquoson City Public Schools that the student may attend during his exclusion shall be borne by the parent(s) or guardian of the student. The School Board may permit or require excluded students to attend an alternative education program provided by the School



Board for the term of the exclusion. Before requiring a student to attend such a program, the School Board will provide written notice to the student and parent(s) or guardian that includes the following information:

1. that the student will be required to attend an alternative education program; and
2. that the student or parent(s) or guardian may participate in a hearing to be conducted by the division superintendent or his designee regarding such placement.

The decision of the division superintendent or his/her designee regarding such an alternative education placement shall be final unless altered by the School Board. If the student or parent(s) or guardian is dissatisfied with the decision of the division superintendent or his/her designee, they may request a review of the record by the School Board by submitting a written petition to the division superintendent within five (5) calendar days after receipt of the decision of the division superintendent or his/her designee. The School Board shall issue its decision, either approving or altering the decision of the division superintendent or his/her designee, within thirty (30) days thereafter.

*Adopted: July 2009*

*Revised: August 2018, December 2018, June 2020*

**POLICY 7-3.5 CORPORAL PUNISHMENT PROHIBITED**

No teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. For the purposes of this policy, “corporal punishment” means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity. In addition, this definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force as permitted by § 22.1-279.1 of the Code of Virginia.

*Adopted: July 2009*

### **POLICY 7-3.6 REPORTING PROCEDURES**

Except as otherwise may be required by federal law, regulation, or jurisprudence, and as required by Virginia Code §§ 22.1-279.3:1, the principal of each school shall collect and maintain information on the events which occur on school property, on a school bus, or at a school-sponsored activity, and shall report the information semiannually to the division superintendent on dates established by the division superintendent. The division superintendent shall submit annually to the Virginia Department of Education, on forms provided by the Department, an aggregate report of such incidences by the last day of October or at other times as prescribed by the Department. In submitting reports of such incidents, principals and the division superintendent will accurately indicate any offenses, arrests or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to applicable law and School Board Policy 2-3.4. Poquoson City Public School's principals shall report to local law-enforcement officials such incidents as are prescribed by applicable law and policy.

*Adopted: July 2009*

### **POLICY 7-3.7 SEARCH AND SEIZURE AND METAL DETECTORS**

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles and may seize any illegal, unauthorized, or contraband materials discovered in the search, consistent with applicable law.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of students and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate law, school policies and regulations, or which may be harmful to the school or its students. Lockers and other storage facilities are subject to periodic searches for any reason at any time without notice, without student consent, and without a search warrant.

To ensure a drug-and-alcohol-free learning environment for students and staff, school officials may, at their discretion, request assistance from a variety of available resources, including the Poquoson City Police Department, substance abuse counselors, the York-Poquoson Health Department, and the active and passive canine teams coordinated by the local law-enforcement agencies.

The school administration also has the right to search any student when there is reasonable basis to believe that the student possesses an item which violates law, school policies and regulations, or which may be harmful to the school or its students. In no event shall strip-searches of students be conducted.

At times, at the principal's discretion and in accordance with School Board policy and all applicable law, metal detectors may be used to assist school staff in ensuring the safety of students, school staff, and guests.

The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law-enforcement officials will be notified.

#### Use of Metal Detectors

Weapons or explosives of any kind are prohibited on school property, in school buildings or at school-related functions. Possession of weapons or explosives is a violation of School Board policy, federal and state law and will subject an individual to disciplinary action and possible criminal penalties.

The administration possesses the authority to take all reasonable, necessary and proper steps, including but not limited to the use of stationary or mobile metal detectors, provided by law and School Board policies and regulation to safeguard students, employees and property of the Poquoson City School Board.

The purpose of the metal detector scan is to prevent and deter individuals from carrying weapons and explosive devices onto School Board property. At all times, the degree and nature of the inspection are not to exceed that which is necessary to allow staff to discharge their responsibility in ensuring the safety of persons and property.

**LEGAL REFERENCE:** Code of Virginia, Section 22.1-279.7

*Adopted: July 2009*

### **POLICY 7-3.8 PROCEDURES FOR QUESTIONING OF STUDENTS BY THIRD PARTIES**

Principals are to allow a child protective services worker with proper identification to interview a student who is an alleged victim of abuse and/or neglect. A private setting should be provided. Parental notification is the responsibility of the Department of Social Services and should not be done by school personnel.

Law enforcement officers may question students who are witnesses to a crime or victims of a crime during the school day, on school grounds, without the permission of the parents or guardian, provided that the law enforcement officer ascertains that the student is capable of consenting to, and the student does consent to, the interview. Student consent is not necessary when a law enforcement officer has a warrant for the arrest of a student. When a law enforcement officer makes contact with, or is contacted by, the school principal or his/her designee concerning the questioning of a student as a witness or victim, the following procedures should be followed:

1. The principal shall make an attempt to contact the parent or guardian of the student.
2. The student shall be called or escorted to the office by the principal. Under dangerous circumstances, the principal may ask the law enforcement officer to accompany him to the classroom to escort the student to the office.
3. A private place shall be provided for the conference/interview. The parent, child, and/or law enforcement officer may request that a staff member be present as an observer while the student is being questioned.
4. If the law enforcement officer removes the student from the school grounds, the principal shall contact the parent or guardian of the student and the division superintendent's office immediately.

Where an incident occurs on school grounds during the school day that is potentially a crime under the law of Virginia, the principal should contact the local law enforcement office immediately. The law enforcement office will follow all appropriate legal procedures in terms of advising students of their rights and conducting a thorough investigation. The principal should follow applicable School Board policy according to the Code of Student Conduct in determining the involvement of a student or students in the incident and the type of disciplinary action to be taken on the part of the school.

*Adopted: July 2009*

### **POLICY 7-3.9 PROVISIONS FOR TEACHER REMOVAL OF A STUDENT FROM CLASS**

Teachers shall have the initial authority to remove students from class for disruptive behavior as authorized by Code of Virginia § 22.1-276.2. Disruptive behavior is defined as a violation of School Board regulations governing student conduct that interrupts or obstructs the learning environment. Prior to the removal of a student from class under this policy, the following criteria must be met:

1. the student's behavior is disruptive as defined above;
2. removal of the student from the class is necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior;
3. teacher and/or administrative interventions have been attempted and failed to end the student's disruptive behavior; and
4. notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators have been provided to the student's parents as described below.

When all of the above criteria have been satisfied, teacher removal of a student from class shall be deemed appropriate.

#### **Requirements for Incident Reports**

No removal under this policy shall occur unless two prior written incident reports have been filed with school administrators. Upon removal, the teacher shall file a "Student Removal Form" (below) with school administrators and any other documentation to support the removal including, but not limited to, the previous two incident reports.

#### **Procedures for Written Notification of Student and Parents**

The teacher shall provide copies of any incident report and Student Removal Form to the student and his/her parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior continues. Such notice shall be provided within twenty-four (24) hours of each incident. The teacher shall document, in writing, his/her attempts to request and encourage the parents to meet with school administrators and/or the teacher. Such notice and documentation shall be required for each incident report and student removal.

#### **Guidelines for Alternative Assessment and Instruction of Removed Students**

The principal shall determine the appropriate placement of the student. The principal has several options regarding the placement of a removed student including, but not limited to:

1. assigning the student to an alternative program;
2. assigning the student to another class;
3. sending the student to the principal's office or study hall. If the principal chooses this option, the removing teacher shall provide and evaluate appropriate make-up work for the student;
4. suspending or expelling the student. If the principal chooses this option, alternative instruction and assignment, if any, shall be provided according to School Board policy and, in the case of students with disabilities, in accordance with federal law; and/or
5. returning the student to class (see procedures below).

#### **Procedure for the Student's Return to Class**

The principal shall determine, after consultation with the teacher, the duration of the student's removal from class. The principal shall notify the teacher of the decision to return the student to class. The following procedure shall apply if the teacher disagrees with the principal's decision to return a student to the class:

1. The teacher and principal shall discuss the teacher's objection to returning the student to class and the principal's reason for returning the student.
2. The teacher, after meeting with the principal, may appeal the principal's decision to the division superintendent or his/her designee within one school day. The incident reports and removal form must accompany the appeal. After discussion with the principal and teacher or after receiving their written comments, the decision of the division superintendent or his/her designee shall be final. The decision shall be made within forty-eight (48) hours of the teacher's appeal. During the appeal process, the student shall not be returned to class and the principal will determine an appropriate placement for the student.

Once the decision has been made to return the student to class, the teacher and principal shall develop a plan to address future disruptive behavior.

#### **Other Provisions**

The principal shall ensure that students removed from class under this policy continue to receive an education in accordance with School Board policies. Application of this policy to students with disabilities shall be consistent with federal and state law and regulations as well as School Board policy regarding students with disabilities. This policy does not limit or restrict the ability of School Board employees to apply other policies, regulations or laws for maintaining order in the classroom.

*Adopted: July 2009*

### **POLICY 7-3.10 RESTRAINT AND SECLUSION**

Maintaining a safe and productive environment for student learning is a high priority for Poquoson City Public Schools (PCPS) for both students and staff. A multitier, systemic approach, to include Positive Behavioral Interventions and Supports (PBIS), shall be used to address the needs of students with behavior challenges as well as reduce and prevent the need for the use of physical restraint and seclusion. Physical restraint and seclusion safety procedures shall only be used consistent with this policy and associated guidance. PCPS recognizes restrictive emergency procedures are used as a last resort and that every effort shall be taken to eliminate the use of restraint and seclusion.

Physical restraint and seclusion may only be used by Poquoson City Public School Board staff for the purpose of behavioral intervention in accordance with this policy and the Virginia Board of Education Policy and Procedures On the Use of Physical Restraint and Seclusion, an in accordance with the guidance outlined in the *Poquoson City Public Schools Guidelines on the Use of Physical Restraint and Seclusion document*.

School personnel may implement physical restraint or seclusion only when other interventions are, or would be, in the reasonable judgment of the school personnel implementing physical restraint or seclusion in an emergency situation, ineffective and only to:

1. Prevent a student from inflicting serious physical harm or injury to self or others;
2. Quell a disturbance;
3. Remove a student from the scene of a disturbance in which the student's behavior or damage to property threatens serious physical harm or injury to persons;
4. Defend self or others from serious physical harm or injury; or
5. Obtain possession of controlled substances or paraphernalia or weapons or other dangerous objects that are upon the person of the student or within the student's control.

Physical restraint and seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated.

Nothing in this policy shall be construed to require school personnel to attempt to implement a less restrictive intervention before using physical restraint or seclusion where, in the reasonable judgment of the school personnel in an emergency situation, a less restrictive intervention would be ineffective.

The superintendent is responsible for developing procedures to address the requirements of the Virginia Board of Education Regulations regarding physical restraint and seclusion in public schools and shall promulgate the policy and any association guidance to ensure the proper implementation of this policy. Additionally, the superintendent is responsible for developing procedures to address the requirements of the Board of Education Regulations. Those procedures shall include:

- Examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion;
- A description of initial and advanced training for school personnel that addresses the appropriate use of effective alternatives to physical restraint and seclusion and the proper use of restraint and seclusion;
- a statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in 8 VAC 20-750-40 and 8 VAC 20-750-50;
- provisions addressing the notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;
- documentation of the use of physical restraint and seclusion;



- continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons;
- securing any rooms in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the student's safety at all times, including during a fire or other emergency; and
- the appropriate use and duration of seclusion based on the age and development of the student.

The School Board will update this policy as needed.

Legal: Code of Virginia, 1950, as amended, §22.1-78, 22.1-279.1, 22.1-279.1:1  
8 VAC 20-750-40  
8 VAC 20-750-50  
8 VAC 20-750-70

*Adopted: January 2021*