



**ORANGE COUNTY
PUBLIC SCHOOLS**

CODE OF STUDENT CONDUCT

2024-25

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August 5, 2024

Dear OCPS Parents/Guardians and Students:

Orange County Public Schools is committed to empowering all students so that they can achieve their dreams. This goal can only be accomplished in safe and supportive learning environments with limited distractions that interfere with the teaching and learning process.

To establish and communicate expectations for student behavior, we have developed the OCPS Code of Student Conduct. We hope this important publication promotes enhanced understanding and communication with our students and families about the policies and procedures that govern our school system. The expectations and procedures outlined in the OCPS Code of Student Conduct apply to all students across all school programming.

In this document, we strive to cover as many key policies and procedures as possible; however, there may be instances in which administrators will have to use professional judgment to address a particular issue or concern. Additionally, it is possible that new school board policy will require additions, amendments, or removal of certain language in the OCPS Student Code of Conduct. Please note that we would communicate any changes clearly and in a timely fashion.




As we embark on the 2024-2025 school year, I ask that you review the OCPS Student Code of Conduct with your student(s) and reinforce our efforts to foster and maintain exceptional learning environments. In particular, we are seeking your support in establishing a learning environment free from the distractions of cell phones and other electronic devices. We look forward to working together with our families to ensure students are focused and engaged. We appreciate your assistance and remain committed to building a strong partnership by maintaining open lines of communication. Should you have any questions about the OCPS Code of Student Conduct, please feel free to contact your student's principal or any division administrator.





We are very excited to welcome you to the 2024-2025 school year! We look forward to working with you and appreciate your continued support!

Sincerely,



Daniel P. Hornick, Ed.D.
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Code of Student Conduct

The vision of Orange County Public Schools (OCPS) is to improve the future by empowering our students to value learning, reach their full potential, and achieve their goals. To ensure that our schools and classrooms are places where students can accomplish this vision, we must maintain safe and supportive learning environments.

The Code of Student Conduct defines the basic rules and major expectations for student behavior. It is the board's responsibility to adopt policy and regulations, while the administration establishes rules of conduct for behavior to protect student health, safety, and welfare. The school principal has the responsibility and authority to exercise reasonable judgment in enforcing this Code of Student Conduct.

The superintendent shall issue a Code of Student Conduct, which creates a leveled system for administrators to apply appropriate disciplinary responses to student behaviors. A combination of teacher and administrative responses should help prevent misbehavior from occurring, encourage positive student behavior, develop essential skills, and maximize academic instructional time. Such a leveled system increases the fidelity of implementation of the Code of Student Conduct. Additionally, consequent actions or punishments in the Code of Student Conduct should include instruction and intervention to help students develop essential skills needed to change the behavior.

The principal/designee may request the student's parent(s)/guardian(s), meet and review the Code of Student Conduct, participate with the school in disciplining the student, ensure the student's compliance with compulsory school attendance law, and discuss improvement of the student's behavior, school attendance, and educational progress. The principal/designee should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to administer.

School Jurisdiction

Students are subject to corrective action/disciplinary action for any misconduct which is within the jurisdiction of the school.

The authority of the school over the conduct of students extends to the following:

- At all times when the student is on the grounds of any Orange County Public School or other board property, whether it be before, during, or after school hours or hours of facility operation and whether or not the school or facility is presently used or occupied;
- At all times when the student is at the site of any school-related activity, function, or event, including those which occur off school grounds, whether the student is a spectator or participant;
- At all times when the student is at a school bus stop;
- At all times when the student is being transported on a school bus or other school board- owned vehicle;
- At all times when the student is participating in a school sponsored field trip or is otherwise being transported by any means of conveyance as part of a school group to a school related activity;
- At such times as the student commits an act off school grounds which if committed on school grounds would be in violation of the Code of Student Conduct, the act has a nexus to the school, the conduct has a detrimental or harmful effect on the welfare or safety of the school and its students, and the act disrupts or is likely to disrupt the school environment;
- At such times as the student commits an act off school grounds which act leads to an adjudication of delinquency pursuant to VA Code §16.1-305.1 or a conviction for an offense listed in VA Code §16.1-260 or a charge that would be a felony if committed by an adult;
- In such circumstances as jurisdiction is extended to the school by federal, state, or local law, ordinance, or regulation and

- The virtual learning environment for approved students.

Students who observe or are subjected to inappropriate actions as described in this policy or the Code of Student Conduct are expected to report such incidences to their school administration. In addition, all students must report to a school staff member any information concerning threats or disruptions involving the safety of students, staff, or the school environment.

Student Rights and Responsibilities

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, break school rules, present a health or safety hazard, or disregard the 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 the following: a public education; an orderly school and classroom environment which will allow optimum learning; and freedom of expression in speech, writing, or symbols consistent with their constitutional rights and board policy. Students have the primary responsibility to maintain a climate of mutual respect and trust so that the dignity of the individual is protected and the pursuit of opportunities for each student may be realized.

Students are responsible for the following: knowing and complying with any rules or regulations of the board, as well as local, state, and federal laws; attending school regularly, equipped with the materials needed to attend class, and completing class assignments and/or requirements; and contributing to a climate of mutual respect for all within each school so that the hopes and ambitions of all individuals may be realized.

Roles and Responsibilities

Roles and Responsibilities of Students

Students are expected to arrive at school and class on time every school day ready to learn. Rules for behavior are provided at each school, as well as in the Code of Student Conduct, Student Activities Handbook, and the Electronic Device Handbook. Students should conduct themselves within the rules. Students have a right to all the educational opportunities offered to them through OCPS, including the right to access to these opportunities and the right to be protected from disruptive influences within the school. Students have a right to express their concern when other students disrupt a classroom and prevent them from learning.

To benefit from the opportunities provided for them, students must assume certain responsibilities for learning. These responsibilities include being in school when physically able, being on time for school and classes, dressing in an appropriate manner, paying attention in class, participating in class discussions and other activities, asking questions when something is not understood, getting proper rest, doing homework and other assignments, making up all work missed because of absences, and always doing their best. Teachers will facilitate learning, but students also must take responsibility for their own learning.

Students also share a common responsibility for the overall learning environment. They should encourage and help each other, work cooperatively in group activities, and avoid creating disturbances that interfere with the efforts of others to learn.

Roles and Responsibilities of Parents/Guardians

Parents/Guardians have a shared responsibility with schools for the education of their children and are encouraged to be engaged and involved with their child's school. Each parent/guardian is to assist the school in enforcing the standards of student conduct and school attendance in order that education may be conducted in an atmosphere free of disruption, threats to persons or property, and in support of individual rights. Parents/Guardians should annually review the Code of Student Conduct, the Student and Parent Handbook, the Electronic Device Handbook, and school rules with their child and acknowledge receipt either electronically or in writing. The parent/guardian is also expected to maintain regular communication with school authorities, monitor and require daily attendance, and

bring to the attention of the school authorities any problem that affects the student or other children in the school. It is the parent/guardian's responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties and/or require specific response.

Role and Responsibilities of the Principal and School-Based Administration

The Virginia Standards of Accreditation (2000) Section [8VAC20-131-210](#). A., states that the principal "is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." Section B.2. specifies that the principal shall "ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment." Section [8 VAC 20-131-260](#). D.3. requires a school administration to ensure "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity." In addition, Section H of the Code of Virginia [S 22.1-279.3:1](#) requires that school principals report certain student conduct violations to law enforcement. The same section also states that "Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court."

At the school level, school-based administrators have primary responsibility for enforcing board policy and the Code of Student Conduct. They are authorized to impose a broad range of disciplinary actions, such as in-school restriction, after-school detention, suspension of certain privileges, and out-of-school suspension for up to ten (10) days.

Role and Responsibilities of Professional Teaching Staff

According to the Standards of Accreditation [8VAC20-131-220](#), "The professional teaching staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy...." Teachers are responsible for establishing and maintaining a safe, supportive environment that is developmentally appropriate and promotes student academic, behavior, and essential skills development. Developing positive relationships with students that are built on mutual trust and respect has been shown to demonstrate some of the highest positive effects on student achievement and behavior. Orange County Public Schools expectations for teachers are to foster positive relationships, develop a safe and positive physical environment, teach behavioral expectations, reinforce positive behavior, provide instructional feedback on behaviors, utilize the school's tiered framework of interventions and supports for students who are not meeting behavioral expectations and use individual and classroom data to progress monitor student behavior.

Student Attendance Policy

Student attendance is a cooperative effort, and the School Board involves parents and students in accepting the responsibility for good attendance.

Each parent/guardian or person having control or charge of a child within the compulsory attendance age is responsible for such child's regular and punctual attendance at school as required under provisions of the law. All parents/guardians should inform the school regarding all absences. Absences for which the school receives no information are considered unexcused. Excused and unexcused absences are defined in the Parent/Student Notification Handbook that is published annually at the beginning of each school year.

A reasonable effort shall be made to contact a parent/guardian of each absent student every day, and to obtain an explanation for the student's absence, where there is no indication that the student's parent is aware of and supports the absence. A log will be kept of call attempts.

Parents of students who are absent must provide a valid note stating the reason for the absence upon return to school. The Superintendent, by regulation, establishes procedures for appropriate interventions when a student engages in a pattern of absences for less than a full day, the explanation of which, if it were a full-day absence, would not be an excused absence.

The Superintendent's regulations include procedures for excusing students who are absent by reason of observance of a religious holiday. Such regulations ensure that a student is not deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which the student missed by reason of such absence, if the absence is verified in an acceptable manner.

Students shall attend school for a full day unless excused by the principal or principal's designee. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work-study program. All other exceptions to a full day schedule must be approved on an individual basis by the Superintendent or designee.

An attendance officer, or a division Superintendent or the Superintendent's designee when acting as an attendance officer pursuant to Va. Code § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to Va. Code § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228.

Nothing in this policy shall be construed to limit in any way the authority of any attendance officer or the division Superintendent to seek immediate compliance with the compulsory school attendance law.

Compulsory Attendance Procedures

Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence, the school Principal, Principal's designee, attendance officer or other school personnel notifies the parent by phone, email or other electronic means to obtain an explanation. School staff records the student's absence for each day as "excused" or "unexcused". Early intervention with the student and parent or parents takes place for repeated unexcused absences.

A. Responsibilities

Parent/Guardian- It is the parent/guardian's responsibility to:

- facilitate communication by providing accurate information to the school staff regarding an emergency telephone number and current mailing address, and anticipated absences;

- notify the school staff of any change of pertinent information; and
- promote the proper attendance of their child by adhering to the Orange County Public Schools attendance policies and supporting school officials in their efforts.

Student- It is the student's responsibility to:

- be present at school every scheduled school day for the entire day unless meeting the criteria for an excused absence;
- makeup all school work when absent from school.

School- It is the responsibility of the school to:

- attempt to contact the parent/guardian whenever their child is absent from school; and
- document that a reasonable effort to contact parents was made. The documentation of each accumulated absence shall be the responsibility of the school. Late arrivals (tardies) and early dismissals will also be documented by each school. The determination of excused or unexcused will be in accordance with state and county policy. The principal or designee is to enforce and implement the Orange County Public Schools attendance policies and regulations and apply them to all students and parents.

B. Compulsory School Attendance Procedures for Absences

a. Upon Third Consecutive Absence

If (1) a student accrues a total of three consecutive absences or more than five absences total, for the school year, and (2) reasonable efforts to notify the parent of the absences have failed, then the Principal, or Principal's designee shall make a reasonable effort to ensure that direct contact is made with the parent in person through telephone conversation, or through the use of other communication devices to obtain an explanation for the student's absence and to explain to the parent the consequences of continued nonattendance.

Upon the sixth absence the Principal or Principal's designee will require an in-person or over the phone meeting with the parent or guardian and student to create a plan for improving the student's attendance. The purpose of the school attendance meeting is to:

- 1) discuss and document the problems causing unsatisfactory school attendance;
- 2) formulate reasonable solutions to those problems;
- 3) assign responsibilities and requirements to the parent and student for implementing the plan; and
- 4) outline the legal and educational consequences for failure to follow the school attendance plan.

A school administrator, and/or school counselor and/or designee will attend the meeting and be responsible for developing the school attendance plan. A copy of the school attendance plan will be given to the parent/guardian (sent by postal mail at last known address if not present in person), a second copy is to be filed in the student's cumulative educational records and a third copy will be sent to the school divisions Attendance Officer. Special Education students may have an IEP committee meeting to review the student's current educational goals and accommodations to add proper school attendance goals if needed.

b. Upon Additional Absences

If a school attendance plan has been adopted and the pupil is absent for more than one additional day after five absences, a documented reasonable effort of contact by the school Principal or Principal's designee with the student's parent/guardian will be made to conference with the pupil, the pupil's parent and school personnel by either telephone, email, postal mail, school meeting or home visit. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 10 school days after the tenth

absence of the pupil, regardless of whether his parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or principal's designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and pupil's parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228 or (ii) institute proceedings against the parent pursuant to Va. Code § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this policy. In the event that both parents have been awarded joint physical custody pursuant to Va. Code § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

C. Report for Suspension of Driver's License

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the Principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

D. Attendance Reporting

Student attendance is monitored and reported as required by state law and regulations. At the end of each school year, each public school principal reports to the Superintendent the number of students by grade level for whom a conference was scheduled pursuant to Part II (B) above. The Superintendent compiles this information and provides it annually to the Superintendent of Public Instruction.

E. Dismissal Precautions

Principals do not release a student during the school day to any person not authorized by the student's parent/guardian to assume responsibility for the student. Students are released only on request and authorization of parent or guardian. The Superintendent establishes procedures for release of students who are not residing with or under the supervision of a parent/guardian. The burden of proof on the authority of the person to receive the student is on the requesting party. A formal check-out system is maintained in each school when a student's parent or guardian requests an early dismissal.

Student Dress Code Regulations – School Board Policy JFCAA

In order to ensure that the educational process is conducted in an environment where safety risks, disruptions, and distractions are minimized, all students will adhere to the standards set forth in the Orange County School Board Policy JFCAA: Student Dress Code.

Generally, student dress should be appropriate for the age, grade level, stage of development and physical facility. Students are not to wear or carry items of apparel to school that may interfere with the instructional process or present a health or safety hazard to the student wearing or carrying them, or to others.

The Orange County Public Schools dress regulation states that students shall not wear the following items:

1. Clothing, pins, jewelry, accessories or other items of adornment displaying obscene, profane, derogatory, violent or gang-related messages, themes, designs or pictures.
2. Clothing, pins, jewelry accessories or other items of adornment conveying messages related to or promoting the use of alcohol, drugs, tobacco products, or messages that promote illegal activities.
3. Clothing, pins, jewelry, accessories or other items of adornment depicting bawdy, salacious or sexually suggestive messages.
4. Clothing that is transparent or exposes the midriff, navel or cleavage.
5. Pants, skirts and/or shorts that sag below the waistline or must be held in place with the hands.
6. Underwear as outer garments or clothing that exposes underwear; and items not appropriate for a classroom setting including, but not limited to, stretch lycra, spandex or nylon tights, leotards, biker pants, biker shorts, bathing suits, pajamas.
7. Tank tops, halter tops, garments with spaghetti straps, tube tops, fishnet tops, strapless dresses, or other clothing that is not appropriate because of slits, rips or holes in the garment.
8. Accessories which could in some way pose a danger to the wearer or others and/or could be used as weapons including, but not limited to, two-or-three finger rings, chains hanging from clothes, picks, hair chop sticks.
9. Clothing that is too tight and/or is inappropriate in length as measured by any of the following measuring methods, as determined by the building principal/designee:
 - a. Shorter than six (6) inches above the student's mid-knee; or
 - b. Fingertip length as determined when both of the student's hands are at his or her side.
10. Inappropriate footwear including, but not limited to, shower shoes and beach shoes, bedroom slippers, and unfastened shoes or shoes missing appropriate closures.
11. Head coverings that are not related to or required by student's bona fide religious practices including, but not limited to, hats, caps, hoodies, stocking caps, wave caps, scarves or bandanas.

Guidance from VDOE

The Virginia Board of Education's Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension makes clear that school divisions should take an instructional approach, when possible, to student discipline. Therefore, students who do not meet behavioral expectations will receive supports, as appropriate, to address the root causes of the behavior and learn suitable alternatives. In addition, an out of school suspension may be combined with instructional supports/interventions to address the student's behavior. When a specific student behavior does not change following an intervention – or the behavior increases in frequency, intensity, or duration – a problem solving approach will be utilized to identify alternative interventions and responses.

Just as the [Virginia Tiered System of Supports \(VTSS\)](#) provides a framework that allows divisions and schools to provide multiple levels of tiered support to students, this guide also provides a leveled system of responses to discipline incidents that uses instructional, age-appropriate responses. It encourages partnerships with students, families and community providers to improve school climate and promote positive outcomes for learning as attributed in the Virginia Board of Education's Profile of a Virginia Graduate.

Definitions of Student Misconduct

1. Alcohol – Use, Possession, and/or Sale Distribution

Violating laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol is forbidden. Students are forbidden to be under the influence of, to distribute, attempt to or conspire to distribute, to sell alcohol in any form, or to have such items on school property, in vehicles on school property, or at school activities.

2. Arson

Unlawfully causing damage or attempting to damage any school or personal property by fire or incendiary device is forbidden. Students who are found responsible for this offense shall be held liable for the cost of the damages in addition to other consequences.

3. Assault/Battery on Students or Staff

Intentional verbal or physical abuse by a student on another student or on staff is forbidden. Intentional physical abuse by a student on another student or on staff that involves a firearm, knife, stun weapon, laser and/or other devices constructed for the purpose of being used as a weapon, including self-defense weapons such as mace, pepper spray, etc., is also forbidden. Exceptions may result when the evidence clearly supports that a student is assaulted and then acted solely in self-defense after having made previous efforts to avoid such confrontations and/or reporting concerns to teaching or administrative staff. See criteria for self-defense under Rule 10 (Fighting/Altercation).

4. Attendance – Tardiness, Truancy and/or Failure to Report to Class

Violating state, school division or school policy relating to attendance is forbidden. The failure to attend school without a legitimate excuse (e.g., illness, doctor appointment, funeral in the immediate family, administrative approval) or the failure to report to class on time or for a portion of the day without a legitimate excuse is forbidden.

5. Bullying and Cyberbullying

Bullying is the systematic and chronic inflicting of physical hurt or psychological distress on

another person. The Code of Virginia §22.1-276.01 defines bullying as “any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.” Bullying includes cyberbullying, the use of electronic means for purposes of bullying, harassment, and intimidation. Bullying does not include isolated incidents of ordinary teasing, horseplay, argument or peer conflict. Bullying involves physical and emotional behaviors that are intentional, controlling, and hurtful that create harassing, intimidating, hostile or otherwise offensive educational environments. Bullying is unwanted and repeated written, verbal, or physical behavior, including threatening, insulting, or dehumanizing gestures, by a student or adult that is severe or pervasive enough to create feelings of intimidation, alienation, or humiliation and/or unreasonably interferes with the school performance or participation of others.

Cyberbullying which occurs off school grounds and/or does not involve the use of the Orange County Public Schools network of computers may result in disciplinary actions if it causes a substantial disruption to the operation of a school or the school division, if it threatens the safety and mental or physical well-being of students or staff, or if it threatens the safety of school buildings or school property.

6. **Bus conduct**

Be Responsible

- **On-time**
 - Please be at the bus stop at least 10 minutes before your scheduled pickup time.
 - Parents of Pre-K through 3rd Grade should be at the bus stop for pick up and drop off. Exceptions require written approval from the school principal.
 - We can only pick up students who are physically at the bus stop.
 - If you are not at the bus stop, we will not wait for you.
 - Be sure to have all of your items with you.
- **Save Snacks for Later**
 - Please refrain from chewing gum and eating food on the bus
 - Be aware that others may have food allergies.
 - With the exception of water, please refrain from consuming drinks on the bus.
- **Keep the Bus Clean**
 - Keeping our buses clean is a high priority.
 - Please pick up trash and place it in the trash can in the front of the bus.

Use Respect

- **To the driver, attendant, and other students**
 - Follow directions given by the driver and bus attendant.
 - Ask questions if you do not understand directions.
 - Be considerate of the other students when sharing space.
 - Keep your belongings in your space.
- **Use kind words**
 - Use appropriate language.
 - Use your words to solve problems.
 - Use please and thank you.
 - Give compliments when possible.
 - Use a positive attitude when talking with others.
- **Use headphones with electronic devices**
 - Keep your personal device to yourself.
 - Remove headphones and ear buds prior to getting on and getting off of the school bus so that you can hear the driver’s instructions and to be aware of traffic.
 - Please refrain from sharing photo and video memories on the bus

Stay Safe

- **Stay in your seat**
 - Sit in your assigned seat assigned by the driver.
 - Switching seats is not allowed.
 - No standing up while the bus is moving.
 - Sit seat-to-seat and back-to-back.
- **Use inside voice**
 - Refrain from screaming and yelling.
 - Talk to the people next to you.
- **Respect other riders' personal space**
 - Throwing objects on a bus is not allowed.
 - Keep hands and feet to yourself.
 - Touching other students or their property is not allowed.
- **Support safe driving.**
 - Keep the aisle clear.
 - Distracting the driver is not safe.

7. Conduct/Behaviors Interfering with Class, School Operations, School Community & Other Individuals

Unwillingness to submit to authority or refusal to respond to a reasonable request is forbidden. Any act that intentionally disrupts the orderly conduct of a school function is also forbidden. Students are required to obey school rules and submit in a respectful manner to the authority and directions of teachers and other school personnel. No student may assist another student in the breaking of a school rule. The following behaviors that substantially disrupt the orderly learning environment include but are not limited to:

- Cursing or using offensive language, including remarks intended to demean a person's race, religion, sex, national origin, disabling condition or intellectual ability. This includes actions or displays of an obscene nature, the wearing of clothing or adornments which themselves convey sexually suggestive messages, or any materials that are obscene or sexually suggestive. Additionally, actions, displays, and/or language that promote hatred or violence, that cause or are likely to cause a disruption to the school learning environment, that interfere with educational responsibilities, or that lead to potential unrest in the future are prohibited. Cursing, violent, and/or abusive language that provides a breach of the peace is considered a Class 3 misdemeanor (Code of Virginia §18.2-416).
- Students shall not engage in conduct that is or is intended to be disruptive of any school activity, function or process of the school, is dangerous to the health or safety of students or others, or results in destruction of property. Noise, activity or possession of items including, but not limited to toys, laser pointer, skateboards, radios, and unauthorized photographs and video recordings which disrupt the peaceful and normal operation of the school and/or which threaten the student's own safety, or the safety and activities of others is forbidden. Violations may be cited for actions in any part of the building, on school grounds, on the school bus or at other school activities.
- Public Display of Affection (PDA) – Students may be disciplined for kissing, touching, hugging and other public displays of affection.

8. Drug Violations

Students are forbidden to:

- Be under the influence of, or have on school property, or in vehicles on school property, or at school activities, illegal drugs in any form, look-alike substances, synthetic drugs such as bath salts or spice, or paraphernalia including anabolic

steroids.

- Use and/or distribute prescription drugs, which are prescribed to the student or any other person, in a non-prescribed manner.
- Unlawfully use, distribute, sell, solicit, purchase, possess, transport, or import over-the-counter medications.
- Distribute, possess and/or be under the influence of, or have on school property, or in vehicles on school property, or at school activities, inhalants or noxious chemicals. Distribute, attempt or conspire to distribute or to sell illegal drugs, look-alike substances, synthetic drugs, or controlled substances.

9. **Electronic Devices and Sharing of Inappropriate Material**

Students may possess a cellular telephone, smart phone, tablet, or other communications device on school property, including school buses, provided that the device must remain off and out of sight during instructional time. If a student possesses such a device other than as permitted in this policy, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent. At no time may any device be used with an unfiltered connection to the internet. The division is not liable for devices brought to school or school activities.

10. **Fighting/Altercation**

Mutual participation in a fight or altercation involving physical violence or verbal abuse is forbidden. Engaging in a physical fight, regardless of which participant is the aggressor, is defined as fighting. This includes luring others to a fight, instigating a fight, encouraging others to fight and/or cheering on a fight.

Exceptions may result when the evidence clearly supports that a student is assaulted, acted solely in self-defense, or made previous efforts to avoid such confrontations (e.g., reporting concerns to a staff member).

A student claiming self-defense must:

- a. Be without fault in provoking or bringing on the fight or incident.
- b. Have reasonably feared, under the circumstances, as they appeared to the individual, that they were in danger of harm; and
- c. Have used no more force than was reasonably necessary to protect them from the threatened harm.

11. **Gambling**

Making, placing, or receiving any bet or wager of money or other thing of value dependent upon the result of the game, contest, or any other event with uncertain outcome is forbidden.

12. **Gang Activity**

The Code of Virginia §18.2-46.1 defines "criminal street gang" as any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction. Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, hand gestures or signs, graffiti, rituals associated with, or activities by an identified group of students).

13. Hazing

Recklessly or intentionally endangering the health or safety of a student(s) or inflicting bodily injury on a student(s) in order to be initiated or admitted into or affiliated with groups such as, but not limited to, student organizations, athletic teams or classes is forbidden, regardless of whether the student(s) so endangered or injured participated voluntarily in the activity. Hazing is a Class 1 misdemeanor (Code of Virginia §18.2-56).

14. Inciting or Causing Substantial Disturbance to School Operations or Safety of Others

Unlawful use of force or violence that seriously jeopardizes the public safety, peace or order is forbidden. Intentionally making derogatory comments and/or racial or ethnic slurs is also forbidden. Actions, comments, or written messages intended to cause other to fight or which may result in a fight is forbidden. This includes luring other to a fight, encouraging other to fight, and/or cheering on a fight. People acting together can be considered as inciting a riot.

15. Moral Turpitude (lying, cheating, stealing)

Conduct or an act that is immoral and wrong in nature or is contrary to the community standards for justice and good morals.

16. Persistently Dangerous Behaviors

Behaviors described in the Virginia's Unsafe School Choice Option Policy required by the federal Every Student Succeeds Act of 2015.

17. Reporting Requirement Only (Crimes in the Community)

A crime in the community where the student was charged with an offense relating to the Commonwealth's laws but required to be disclosed to the superintendent of the school division pursuant to Va. Code § 16.1-260(G). Law enforcement (or court services) informs the division of the crime.

18. School Threat

Expression of the intention to inflict misfortune, danger or harm upon persons or property by any means on school board property is forbidden. Summoning an ambulance or firefighting apparatus or activating a manual or automatic fire alarm without just cause is forbidden. Intentionally setting off or causing to be set off any apparatus capable of producing smoke or foul odor is also forbidden. This can include false threats or pranks.

19. Sexual Misconduct Offenses

Sexual misconduct is forbidden. Sexual offenses may include but are not limited to the following actions:

- Indecent Exposure – the uncovering of any personal or private are of one's body, including "mooning."
- Consensual Sex – any activities involving any act of consensual sex between two persons on school board property.
- Sexual Harassment – unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender- based harassment. Sexual harassment shall be understood to be any action or statement which creates an intimidating, hostile or offensive school environment (i.e., exposure, gestures). All complaints of sexual harassment by a student will be handled in accordance with school board policies and regulations.
- Sexual Battery – any unwanted touching of a person's intimate areas or clothing covering such areas. Sexual battery includes, but is not limited to, an offensive or intentional threat,

- intimidation, deception or physical helplessness of sexual abuse.
- Aggravated Assault – penetration without consent.
- Improper Physical Contact – any unwanted touching of a sexual nature that is offensive, undesirable, and/or unwanted.
- Sexual Offense without Force – lewd behavior, indecent exposure that includes sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat.

20. Stalking

Engaging in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury is forbidden.

21. Technology Use Violations

Orange County Public Schools provides access to an extensive array of LAN/WAN and web-based services and applications. Use of all these services is a privilege not a right. Students may be held accountable for misuse or abuse of division hardware, software, and network or internet services. Students who are found responsible for lost, stolen, or damaged equipment due to misconduct or negligence may be held liable for the cost of replacement of the lost, stolen, or damaged equipment. Violations include, but are not limited to:

- Unauthorized use of, revealing, sharing, or transferring any user password.
- Uploading or downloading unauthorized files not directly related to an instructional purpose.
- Accessing files using division hardware or network resources without an acknowledged Electronic Device Handbook.
- Intentionally altering or damaging files, applications, or standard hardware.
- Intentionally introducing viruses or other destructive executables to computer or network resources.
- Unauthorized use of portable communication and/or privately-owned electronic devices.

22. Threats Against Students and Staff

Unlawfully placing a staff member or student in fear of bodily harm through physical, verbal, written or electronic threats which immediately creates fear of harm without displaying a weapon or subjecting the person to actual physical touching is forbidden.

23. Tobacco/Electronic Cigarette/Vaporizer Pen Offenses

Students are forbidden to use, distribute, or sell tobacco products, including smokeless tobacco, or have on school property, in vehicles on school property, at school activities, or on school transportation. The promotion or display of the use of tobacco and/or other illegal substances on clothing, jewelry, picture, buttons, bumper stickers or other items is also forbidden. Students are prohibited from possessing and/or using electronic cigarettes and vaporizer pens on school buses, on school property and at school-sponsored activities.

24. Trespassing

Entering or remaining on a public-school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension, or expulsion, or in an alternative education placement and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave is forbidden.

25. Vandalism or Other Damage to School or Personal Property

Pursuant to Code of Virginia [§18.2-137](#), vandalism is the unlawful or intentional destruction, defacing, damaging or removing of another person's personal or real property without the intent to steal. Vandalism that results in damages of less than \$1,000 is a misdemeanor. Damages in excess of \$1,000 may result in felony charges (Code of Virginia [§18.2-138](#)).

Vandalism violations include, but are not limited to, arson, graffiti, theft, vandalism, destruction of computer hardware, modification of installed software, modifications to the LAN/WAN network configurations, and/or installation of unauthorized software, including viruses. Students who are found responsible for lost, stolen, or damaged equipment due to misconduct or negligence shall be held liable for the cost of replacement of the lost, stolen, or damaged equipment.

26. Weapons

Students are forbidden to have weapons or to use weapons or to use other objects as weapons on school property, in vehicles on school property, or at school activities. Claims of self-defense do not constitute a valid defense for the possession of a weapons on school property or at any school-sponsored activity.

Examples of weapons shall include but are not limited to the following:

- Handgun or pistol;
- Shotgun or rifle;
- Any item designed to expel a projectile or that may be readily converted or modified manufactured guns to expel a projectile by the action of an explosive device;
- Knife with blade of three inches or more;
- Any other item that will or is designed to expel a projectile by the action of an explosive. This includes firearms not mentioned previously (operable or in-operable, loaded or unloaded) such as, but not limited to, a zip or starter bus;
- Any item, instrument or object that is designed or may be readily converted to inflict harm on another person (i.e., chains, nun chucks, or Billy club);
- Pneumatic gun or rifle that is air powered (i.e., BB, paint ball, or pellet gun);
- Any weapon that explodes or is designed to or may be readily converted to explode;
- Any weapon that is designed to explode with the use of a triggering device or by a chemical reaction that causes an explosion;
- Ammunition;
- Look-alikes;
- Any substance used as a weapon to include mace, tear gas, or pepper spray;
- Knife less than three inches, razor blades, box cutters, fireworks, firecrackers, stink bombs; and,
- Taser or stun gun.

See Code of Virginia [§18.2-308.1](#) and the federal Gun Free Schools Act (Title IV, Part A, Subpart 3, Section 4141)

Student Behavior Violation Levels

Student behavior code violation levels offer building-level administrator guidance when determining the appropriate interventions, supports, and/or consequences for student misconduct. Each level represents the maximum consequence permitted for specific code violations; however, depending on the circumstances and context, administrators may provide an intervention, support, or consequence from a lesser level. No period of suspension or expulsion shall exceed that permitted by law or by the Virginia Department of Education regulation or guidance.

Level 1: Interventions and responses at this level are designed to help improve student behavior in the classroom and/or school. If these interventions are successfully implemented, a referral to the

school administrator may not be necessary. These responses are intended to prevent further behavior issues while keeping the student in school. Examples of Level 1 responses include:

- Administrator/Student conference and/or Administrator/Student/Teacher conference
- Administrator/Teacher/Parent/Guardian conference
- Behavior progress chart
- Community service (appropriate to correct the behavior)
- Confiscation by the administration
- Detention (before school, at lunch, after school)
- In-school suspension (one-two days)
- Loss of school privileges
- Peer mediation or conflict resolution
- Recognize/Reward appropriate behavior
- Restitution
- Re-teaching or modeling of desired behavior
- Seat change
- Written reflection or letter of apology

Level 2: Interventions and responses at this level are designed to prevent further behavior issues and keep the student in school. Depending upon the severity of the behavior, short-term removal of the student from the classroom environment may be warranted. Examples of Level 2 responses include:

- Administrator/Teacher/Counselor/Student conference (includes re-teaching of expected behavior)
- Administrator/Teacher/Parent/Guardian conference
- Check-In/Check-Out
- Community service (appropriate to correct the behavior)
- Confiscation
- Detention (before school, at lunch, or after school)
- In-school suspension (one-three days)
- Mediation or conflict resolution
- Referral for community-based services
- Referral to Individualized Education Plan (IEP) Team
- Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, and Problem-Solving Team (ex. VTSS), Substance Use and Intervention Program)
- Restitution
- Saturday school
- Schedule change
- Student conference
- Temporary loss of privileges

Level 3: These interventions and responses may involve the short-term removal of a student from the school environment due to the severity or frequency of the behavior or safety concerns. The duration of short-term suspension should be limited to the extent necessary to adequately address the behavior but may not exceed 5 school days (may not exceed 3 days for PK-3). Examples of Level 3 responses include:

- Administrator/Teacher/Parent/Guardian Conference
- Behavior contract (developed with and signed by the student, parent/guardian, and school officials)
- Community service (appropriate to correct the behavior)
- Detention
- Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) Development (Special Education Students)
- Functional Behavioral Assessment (FBA) and Behavior Support Plan (BSP) Development (General Education Students)
- In-school suspension with restorative practices (three-five days)
- Referral for community-based services

- Referral to alternative education programs
- Referral to law enforcement if required by local policy
- Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, Problem Solving Team, Therapeutic Day Treatment (TDT), Substance Use and Intervention Program)
- Revocation of privileges
- Restitution
- Short-term out-of-school suspension (one-three days for elementary students, one-five days for secondary students)

Level 4: These interventions involve the removal of a student from the school environment because of the severity and/or frequency of the behavior(s). Also, they focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. The student may be placed in a safe environment that provides additional structure to address behavior. A short-term suspension or a recommendation for long-term suspension may be warranted given the context and circumstances.

Examples of Level 4 responses (in addition to all responses listed in Levels 1-3) include:

- Long-term revocation of privileges
- Parent-Administrator-Teacher-Student behavior contract
- Recommendation for a long-term suspension as determined by local policy or by Virginia Code.
- Referral for community-based services
- Referral to law enforcement for behaviors that may constitute a felony or that are required by local policy
- Restitution via written contract
- Schedule change
- Short-term out-of-school suspension (one-three days for grades PreK-3, four-ten days for grades 4-6, and five-ten days grades 7-12)
- Threat Assessment as indicated by the behavior

Level 5: Responses are reserved for those behaviors that require a due process hearing on recommendations for long term suspension and expulsion. For preschool to grade three students, any suspension beyond three days must be referred to the superintendent. Level 5 responses include:

- Alternative placement
- Expulsion
- Long term suspension
- Return the student to the school setting with appropriate supports and interventions

Leveled Responses to Student Behaviors

Under each rule number enumerated below is a chart indicating SBAR Code, level of applicability (elementary or secondary), levels of intervention and response, and law enforcement reporting status. Behavior for which students shall be considered for discipline, and the range of disciplinary actions which shall be imposed, include, but are not limited to those set forth below. Each behavior shall be considered fully in determining reasonable corrective actions, consequences, interventions, and/or restorative practices.

SBAR stands for “student behavior, administrative response.” The SBAR codes were developed by the Virginia Board of Education and are incorporated in its Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension with which public schools’ divisions must comply. The behavior categories are designed to recognize the impact student behavior has on the school environment and on learning. They encourage awareness for administrators, teachers, parents, and counselors of students’ developmental needs. They also emphasize the importance of helping students achieve academically and develop both essential skills and learning competencies.

Elementary (K-5) Leveled Responses to Student Behaviors

Category A: Behaviors that Impede the Academic Progress (BAP) of the student or of other students	Level <u>1</u>	Level <u>2</u>	Level <u>3</u>	Level <u>4</u>	Level <u>5</u>
Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	X	X			
Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X			
Scholastic dishonesty (cheating, plagiarism)	X	X			
Unexcused tardiness to class	X	X			
Unexcused tardiness to school	X	X			

Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures	Level <u>1</u>	Level <u>2</u>	Level <u>3</u>	Level <u>4</u>	Level <u>5</u>
Altering an official document or record	X	X	X		
Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X		
Dress Code Violation	X	X			
Failure to be in one's assigned place on school grounds	X	X			
Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday School)	X	X	X		
Gambling (games of chance for money or profit)	X	X	X		
Giving false information to staff; misrepresentation	X	X	X		
Possession of stolen items or any item(s) considered inappropriate for school	X	X	X		
Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X		
Unauthorized use of school electronic or other equipment	X	X	X		
Vandalism, graffiti, or other damage to school or personal property	X	X	X		
Violation of the Electronic Device Handbook	X	X	X		
Violation of school board policy regarding the possession or use of portable communication devices	X	X	X		

Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
Bullying with no physical injury	X	X	X		
Cyberbullying	X	X	X		
Failure to respond to questions or requests by staff	X	X	X		
Unwanted or inappropriate physical contact	X	X	X		
Posting, distributing, displaying, or sharing material or literature that is libelous, including using electronic means to post such material	X	X	X		
Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X		
Speaking to another in an uncivil, discourteous manner	X	X	X		
Stealing money or property without physical force	X	X	X		
Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X		
Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	X	X	X		
Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	X	X	X		

Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school.	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>	Law Enforcement Notification
Alcohol: Possessing or using alcohol	X	X	X			X
Alcohol: Distributing alcohol to other students	X	X	X	X		X
Bullying Behavior without physical injury that continues after intervention (bullying that leads to physical injury should be classified as assault and battery).		X	X	X		
Bus: Distracting the bus driver	X	X	X			
Bus: Endangering the safety of others on the bus	X	X	X			

Cyberbullying that continues after intervention (cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences).			X	X	X	
Drugs: Possessing drug paraphernalia or look-alike drug	X	X	X			X
Drugs: Violating school board non-prescription (over-the-counter) medication policy	X	X	X			X
Engaging in reckless behavior the creates a risk of injury to self or others	X	X	X			
Exposing body parts, lewd or indecent public behavior	X	X	X			
Fighting that results in no injury as determine by the school administration	X	X	X			
Fire alarm: Falsely activating a fire alarm or other disaster alarm	X	X	X			
Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X	X			
Harassment: Repeatedly annoying or attacking a student or group of students, or creating and intimidating or hostile educational/work environment	X	X	X			
Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	X	X	X	X		
Leaving school grounds without permission	X	X				
Physical contact of a sexual nature – patting body parts, pinching, tugging clothing	X	X	X			
Physical sexual aggression and/or forcing another to engage in sexual activity				X	X	X
Shoving, pushing, striking a student with no visible injury	X	X	X			
Stalking as described in the Code of Virginia section 18.2-60.3	X	X	X	X		
Stealing money or property using physical force (no weapon involved)	X	X				

Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X				
Tobacco: Possessing/Using tobacco products, electronic cigarettes, vaping equipment		X	X			X
Trespassing		X	X			
Weapons: Possessing or selling any weapon as defined by school board policy (other than a firearm)				X	X	

Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>	Notify Law Enforcement
Assault: Intending to cause physical injury to another person	X	X	X			X
Assault and Battery: Causing physical injury to another person			X	X	X	X
Bomb threat –Making a bomb threat	X	X	X	X		X
Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
Fighting: The use of physical violence between students or on another person where there is no injury as determined by the school administration	X	X	X			
Fire: Attempting to set, aiding in setting, or setting a fire		X	X	X		X
Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46.1.	X	X	X	X		X
Hazing as defined in § 18.2-56 and noted in § 22.1-279.6.					X	X

Striking Staff: The use of force against a staff member when no injury is caused	X	X	X	X		X
Threatening or instigating violence, injury, or harm to a staff member	X	X	X	X		X
Threatening or instigating violence, injury, or harm to another student	X	X	X			X
Possession of a firearm or destructive device as defined in § 22.1-277.07.					X	X
Using any objects not generally considered to be a weapon to threaten or attempt to injure school personnel, students, or others		X	X	X		X

Category F: Persistently Dangerous Behaviors (PDB)	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>	Law Enforcement Notification
Actual and attempted robbery					X	X
Aggravated sexual battery, including sexual battery and abuse against a person less than fifteen years of age					X	X
Assault with a firearm or other weapon, including the intentional causing of bodily harm to an individual					X	X
Homicide with a firearm or other weapon, including any death resulting from causes other than natural, accidental, or suicide.					X	X
Illegal possession of controlled drugs and substances with the intent to distribute or sell					X	X
Illegal possession of a handgun, rifle/shotgun, projectile weapon, bomb, or other firearms					X	X
Kidnapping/abduction					X	X
Malicious wounding without a weapon, including intentionally causing another person bodily injury, with the intent to maim, disfigure, disable, or kill.					X	X
Sexual assault offenses, defined as sexual penetration without consent, including statutory rape and carnal knowledge of a minor.					X	X
Use of a bomb or any explosive device.					X	X

Secondary (6-12) Leveled Responses to Student Behaviors

Category A: Behaviors that Impede the Academic Progress (BAP) of the student or of other students	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	X	X			
Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X			
Scholastic dishonesty (cheating, plagiarism)	X	X			
Unexcused tardiness to class	X	X			
Unexcused tardiness to school	X	X			

Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
Altering an official document or record	X	X	X		
Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X		
Dress Code Violation	X	X	X		
Failure to be in one's assigned place on school grounds	X	X	X		
Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday School)	X	X	X		
Gambling (games of chance for money or profit)	X	X	X		
Giving false information to staff; misrepresentation	X	X	X		
Possession of stolen items or any item(s) considered inappropriate for school	X	X	X		
Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X		
Unauthorized use of school electronic or other equipment	X	X	X		
Vandalism, graffiti, or other damage to school or personal property	X	X	X		
Violation of the Electronic Device Handbook	X	X	X		
Violation of school board policy regarding the possession or use of portable communication devices	X	X	X		

Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
Bullying with no physical injury	X	X	X		
Cyberbullying	X	X	X		
Failure to respond to questions or requests by staff	X	X	X		
Unwanted or inappropriate physical contact	X	X	X		
Posting, distributing, displaying, or sharing material or literature that is libelous, including using electronic means to post such material	X	X	X		
Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X		
Speaking to another in an uncivil, discourteous manner	X	X	X		
Stealing money or property without physical force	X	X	X		
Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X		
Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	X	X	X		
Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	X	X	X		

Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school.	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>	Law Enforcement Notification
Alcohol: Possessing or using alcohol	X	X	X			X
Alcohol: Distributing alcohol to other students	X	X	X	X		X
Bullying Behavior without physical injury that continues after intervention (bullying that leads to physical injury should be classified as assault and battery).		X	X	X		
Bus: Distracting the bus driver	X	X	X			
Bus: Endangering the safety of others on the bus	X	X	X			

Cyberbullying that continues after intervention (cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences).			X	X	X	
Drugs: Possessing drug paraphernalia or look-alike drug	X	X	X			X
Drugs: Violating school board non-prescription (over-the-counter) medication policy	X	X	X			X
Engaging in reckless behavior the creates a risk of injury to self or others	X	X	X			
Exposing body parts, lewd or indecent public behavior	X	X	X	X		
Fighting that results in no injury as determine by the school administration	X	X	X			
Fire alarm: Falsely activating a fire alarm or other disaster alarm	X	X	X			
Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X	X			
Harassment: Repeatedly annoying or attacking a student or group of students, or creating and intimidating or hostile educational/work environment	X	X	X	X		
Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students		X	X	X	X	
Leaving school grounds without permission	X	X	X			
Physical contact of a sexual nature – patting body parts, pinching, tugging clothing		X	X	X		
Physical sexual aggression and/or forcing another to engage in sexual activity				X	X	X
Shoving, pushing, striking a student with no visible injury	X	X	X			
Stalking as described in the Code of Virginia section 18.2-60.3	X	X	X	X		
Stealing money or property using physical force (no weapon involved)	X	X	X			

Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X	X			
Tobacco: Possessing/Using tobacco products, electronic cigarettes, vaping equipment		X	X			X
Trespassing		X	X			
Weapons: Possessing or selling any weapon as defined by school board policy (other than a firearm)				X	X	

Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>	Notify Law Enforcement
Assault: Intending to cause physical injury to another person	X	X	X			X
Assault and Battery: Causing physical injury to another person			X	X	X	X
Bomb threat –Making a bomb threat		X	X	X	X	X
Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
Fighting: The use of physical violence between students or on another person where there is no injury as determined by the school administration	X	X	X			
Fire: Attempting to set, aiding in setting, or setting a fire		X	X	X	X	X
Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46.1.		X	X	X	X	X
Hazing as defined in § 18.2-56 and noted in § 22.1-279.6.					X	X

Striking Staff: The use of force against a staff member when no injury is caused		X	X	X	X	X
Threatening or instigating violence, injury, or harm to a staff member	X	X	X	X		X
Threatening or instigating violence, injury, or harm to another student	X	X	X	X		X
Possession of a firearm or destructive device as defined in § 22.1-277.07.					X	X
Using any objects not generally considered to be a weapon to threaten or attempt to injure school personnel, students, or others		X	X	X		X

Category F: Persistently Dangerous Behaviors (PDB)	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>	Law Enforcement Notification
Actual and attempted robbery					X	X
Aggravated sexual battery, including sexual battery and abuse against a person less than fifteen years of age					X	X
Assault with a firearm or other weapon, including the intentional causing of bodily harm to an individual					X	X
Homicide with a firearm or other weapon, including any death resulting from causes other than natural, accidental, or suicide.					X	X
Illegal possession of controlled drugs and substances with the intent to distribute or sell					X	X
Illegal possession of a handgun, rifle/shotgun, projectile weapon, bomb, or other firearms					X	X
Kidnapping/abduction					X	X
Malicious wounding without a weapon, including intentionally causing another person bodily injury, with the intent to maim, disfigure, disable, or kill.					X	X
Sexual assault offenses, defined as sexual penetration without consent, including statutory rape and carnal knowledge of a minor.					X	X
Use of a bomb or any explosive device.					X	X

Teacher Removal from Class – [School Board Policy JFCA](#)

Teachers have the initial authority to remove students from class for disruptive behavior. "Disruptive behavior" means a violation of School Board policies or regulations recommended by the superintendent governing student conduct that interrupts or obstructs the learning environment.

Criteria for Removal

In order for a teacher to remove a student from class for disruptive behavior

- removal of the student from the class must be necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior.
- interventions by the teacher and/or administrators have been attempted and failed to end the student's disruptive behavior, and
- notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators must have been provided to the student's parents as described below.

When all of the above criteria have been satisfied, a teacher may remove a student from class.

Requirements for Incident Reports

Teachers should write incident reports regarding all incidents of disruptive behavior. The reports will be filed with the school administration and provided to the student's parents within 24 hours of the incident. The parents must be given the opportunity to meet with the teacher and/or school administrator to discuss the student's behavior and the possible consequences if the behavior continues. The teacher will document, in writing, attempts to request and encourage the parents to meet with him or her or school administrators.

A student may not be removed from class for disruptive behavior unless two written incident reports have been filed with school administrators and provided to the student's parents concerning two prior incidents of disruptive behavior. Upon removal, the teacher shall file a "Student Removal Form" ([JFCA-E](#)) with school administrators. The teacher will include any other documentation supporting 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 the student's 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 hours of each incident. The teacher shall document, in writing, 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 Assignment and Instruction of Removed Students

The principal shall determine the appropriate placement of any student removed from class by a teacher. The principal may

- assign the student to an alternative program.
- assign the student to another class.
- send the student to the principal's office or study hall. If the principal chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student.
- suspend the student or recommend the student for expulsion. 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.
- return the student to class (in accordance with the 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. If the teacher disagrees with the principal's decision to return a student to the class.

- the teacher and principal shall discuss the teacher's objection to return the student to class and the principal's reason for returning the student.
- the teacher, after meeting with the principal, may appeal the principal's decision to the superintendent or designee within one school day. The incident reports and removal form must accompany the appeal. After discussion with the principal and teacher or receiving their written comments, the decision of the superintendent or designee shall be final. The decision shall be made within forty-eight 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.

Teacher deficiencies in classroom management shall be addressed in teacher evaluations pursuant to Policy GCN Evaluation of Professional Staff.

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.

Reporting Requirements – School Board Policy CLA

Acts Reported to the Principal

- A. Except as may otherwise be required by federal law, regulation or jurisprudence, reports are made to the superintendent and to the principal (or designee) on all incidents involving:
- i. the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property or at a school-sponsored activity;
 - ii. the assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting or wounding of any person, abduction of any person as described in Va. Code [§ 18.2-47](#) or Va. Code [§ 18.2-48](#), or stalking of any person as described in Va. Code [§ 18.2-60.3](#), on a school bus, on school property or at a school-sponsored activity;
 - iii. any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance or an anabolic steroid on a school bus, on school property or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
 - iv. any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
 - v. the illegal carrying of a firearm, as defined in Va. Code [§ 22.1-277.07](#), onto school property;
 - vi. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code [§ 18.2-85](#), or explosive or incendiary devices, as defined in Va. Code [§ 18.2-433.1](#) or chemical bombs as described in Va. Code [§ 18.2-87.1](#), on a school bus, on school property or at a school-sponsored activity;
 - vii. any threats or false threats to bomb, as described in Va. Code [§ 18.2-83](#), made against school personnel or involving school property or school buses;

- viii. the arrest of any student for an incident occurring on a school bus, on school property or at a school sponsored activity, including the charge therefore; and
- ix. any illegal possession of weapons, alcohol, drugs or tobacco products.

The principal of each school collects and maintains information on the above listed acts which occur on school property, on a school bus or at a school-sponsored activity.

- B. The superintendent and the principal or his designee receive reports from local law-enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (Va. Code [§ 54.1-3400 et seq.](#)) and occurred on a school bus, on school property or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. The superintendent may request that the reports include information regarding terms of release from detention, court dates and terms of any disposition orders entered by the court. When the superintendent receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code [§ 16.1-260](#), the superintendent reports such information to the principal of the school in which the juvenile is enrolled.

Reporting Duties of the Principal and Superintendent

The principal or designee reports all incidents required to be reported pursuant to section I of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that are provided by the Department and makes such information available to the public.

In submitting reports of such incidents, principals and superintendents accurately indicate any offenses, arrests or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection I.B. of this policy.

Except as may otherwise be required by federal law, regulation or jurisprudence, the principal immediately reports to local law-enforcement officials any of the acts listed in clauses (ii) through (vii) of subsection I.A of this policy that may constitute a felony offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection I.A.

In addition, except as may be prohibited by federal law, regulation or jurisprudence, the principal also immediately reports any act enumerated in clauses (ii) through (v) of subsection I.A of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports whether the incident has been reported to local law enforcement pursuant to this policy and, if the incident is so reported, that the parents may contact local law enforcement for further information, if they so desire.

The principal or principal's designee notifies the parent of any student involved in an incident required to be reported pursuant to this policy, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information regarding other students.

Prevention and Intervention Activities

Whenever any student commits any reportable incident as set forth in this policy, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.

The School Board develops, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which include prevention of hazing. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service

requirements and any program focused on demonstrating the consequences of violence and crime. The School Board may develop and use a network of volunteer services in implementing prevention activities.

Suspension and Expulsion of Students – [School Board Policy JGD](#)

Suspensions and Expulsions of Students Generally

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficiently cause for suspension include only instances of truancy.

Except as provided in subsection C of Va. Code [§ 22.1-277](#) or Va. Code [§§ 22.1-277.07](#) or [22.1-277.08](#), no student in preschool through grade three is 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 superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Any student for whom the division superintendent of the school division in which the student is enrolled has received a report pursuant to VA Code Section [16.1-305.1](#) of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code [§ 16.1-260](#) may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

The Superintendent is responsible for creating procedures to ensure that suspended students are able to access and complete graded work during and after the suspension.

Short-Term Suspension

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to person or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days includes notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based education program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, are borne by the parent of the student.

A student or parent/guardian may submit a written letter of appeal, which should include all supporting documentation, to the principal of the school within two (2) working days of notification of the suspension. The student or parent/guardian should state specifically the reason(s) for the appeal and consider the following before appealing a suspension: (A) whether the facts warrant the suspension; (B) if the consequences were appropriate for the behavior; and (c) whether school and county procedures were followed. The principal shall review the suspension and all of the evidence and render a written decision as soon as possible and within three (3) working days.

A student or parent/guardian who wishes to appeal the principal's decision may submit written notice to the principal within two (2) working days of the principal's decision to uphold the suspension, requesting that the principal forward the letter of appeal and all documentation to the Superintendent or his designee for review. The Superintendent/designee shall

review the information, gather additional information, and/or conduct a hearing, if necessary, and render a decision. For suspensions of ten (10) days or less, the decision of the Superintendent/designee shall be final.

Long-Term Suspension

The principal or principal designee also may recommend to the superintendent that a student be suspended 11 to 45 school days. In the event that a student is suspended for more than ten days, the principal shall provide the written notice to the student and parent of the suspension and recommendation for longer suspension, of the reasons therefore, and of the right to further appeal. The written notice also includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice also states 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. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent 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 Va. Code §§ [22.1-277.07](#) or [22.1-277.08](#) or involves serious bodily injury or (ii) the School Board or division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

The principal or principal designee will notify the superintendent/designee in writing of the recommendation for long-term suspension and enclose a copy of the written notice provided to the student and parent. The superintendent/designee will act on the recommendation for long-term suspension by organizing a hearing and will notify the parent in writing of the date, time and place of the hearing. The superintendent or his designee will then serve as the hearing officer.

For sufficient cause, the superintendent or his designee may extend a previous school-imposed suspension, providing written notice to the parent and student. Except in cases where the student's potential return to school will endanger the safety of staff and/or other students, such extensions shall be enacted with the consent of the parent.

After the superintendent/designee conducts the hearing and renders a decision, the principal will notify the student or parent of the superintendent's/designee's action verbally, and the superintendent or his designee will send a letter confirming his/her action to the parent and/or student, with a copy to the principal. The written confirmation from the superintendent/designee shall state the facts/reasons for the suspension, the duration of the suspension, and the parent's right to appeal the suspension to the School Board. The written confirmation also shall include information regarding the availability of community-based educational programs, alternative education programs or other educational options. 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.

The student or parent may appeal a long-term suspension to the School Board by filing a written request in the office of the superintendent or his designee no later than ten (10) calendar days after receipt of written notice of the long-term suspension. The written appeal request should state in detail why the suspension should be overturned and provide a copy of all germane information. Such appeal shall be decided by the School Board within thirty days based upon the record. After the School Board has decided the appeal, the superintendent/designee will send a letter to the parent and student confirming the School Board's decision; identifying the availability of any community-based educational, alternative education, or intervention program; and indicating when 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.

Any suspension may be effective and be implemented notwithstanding a pending appeal to the School Board.

Nothing herein shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

Expulsion

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board.

The regulations shall also provide for subsequent confirmation or disapproval of the proposed expulsion by the School Board regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and the pupil's parent includes notification of length of the expulsion and provides information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. The notice also states 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 the school division, during or upon the expiration of the expulsion and the terms or conditions of such readmission. The costs of any community-based educational, training or intervention program that is not a part of the educational program offered by the school division that the student may attend during the expulsion is borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the school board for the term of such expulsion.

If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice also advises the parent of such student that the student may petition the School Board for readmission to be effective one calendar year from the date of the expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the School Board, or the division superintendent, or the superintendent's designee, and, if granted would enable the student to resume school attendance one calendar year from the date of expulsion. If the division superintendent or the Disciplinary Committee denies such petition, the student may petition the school board for review of such denial.

B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below shall be based on consideration of the following factors:

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse, or special education assessments;
- the student's attendance and academic records; and
- other appropriate matters.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection precludes the school board from considering any of the factors listed above as "special circumstances" for purposes of expulsions discussed in the following subsections.

Firearms, Destructive Devices and Pneumatic Guns

The school board shall expel from school attendance for a period of not less than one year any student whom the school board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by VA Code Section [18.2-308.1](#), or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator or the school board may, however, determine, based on the

facts of a particular situation, 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 authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in VA Code Section [18.2-308](#) regarding concealed weapons apply, mutatis mutandis, to the provisions of this Policy. The provisions of this section do not apply to students who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted to use school premises.

Drug Offenses

The school board shall expel from school attendance any student whom the school board has determined to have brought, possessed, used, or was under the influence of a controlled substance, imitation controlled substance, or marijuana as defined in VA Code Section [18.2-247](#), onto school property or to a school-sponsored activity or going to or from a school/school activity. The school Board may, however determine, based on the facts of the particular case, that special circumstances exist, and another disciplinary action is appropriate. In addition, the School Board authorizes the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Hearing

The procedure for the School Board hearing is as follows:

- The School Board determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the School Board.
- The School Board may ask for opening statements from the principal or the principal's representative and the student or the student's parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
- The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that School Board may take the testimony of student witnesses outside the presence of the student, the student's parent(s) and their representative if the School Board determined, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board is the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the School Board and, when so received, are marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board transmits its decision, including the reasons therefore, to the student, the student's parent(s), the principal and superintendent.

Alternative Education Program

The School Board may require any student who has been

- charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol, or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code [§ 16.1-260.G](#);
- found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or 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 superintendent pursuant to Va. Code [§ 16.1-260.G](#);
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code [§ 22-1-277.05](#); or

- expelled pursuant to Va. Code [§ 22.1-277.06](#), [22.1-277.07](#), or [22.1-277.08](#) or subsection C of Va. Code [§ 22.1-277](#), to attend an alternative education program.

The School Board may require such student to attend such programs regardless of where the conduct occurred.

The School Board may require any student who has been found to have been in possession of , or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

A principal or principal's designee may impose a short-term suspension, pursuant to VA Code [§ 22.1-277.04](#), upon a student who has been charged with an offense involving intentional injury enumerated in VA Code [§ 16.1-260.G](#), to another student in the same school pending a decision as to whether to require that such student attend an alternative education program,

As used in this section, "charged" means that a petition or warrant has been filed or is pending against a pupil.

Reporting

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports are made to the principal or principal's designee on all incidents involving:

- (1) the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- (2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Va. Code [§ 18.2-47](#) or Va. Code [§ 18.2-48](#), or stalking of any person on a school bus, on school property, or at a school-sponsored activity;
- (3) any conduct involving alcohol, marijuana, synthetic a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- (4) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
- (5) the illegal carrying of a firearm as defined in VA Code [§ 22.1-277.07](#) onto school property;
- (6) any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, as defined in VA Code Section [18.2-485](#), or explosive or incendiary devices, as defined in VA Code [§ 18.2-433.1](#), or chemical bombs, as described in VA Code Section [18.287.1](#), on a school bus, on school property, or at a school-sponsored activity; or
- (7) any threats or false threats to bomb, as described in VA Code Section [18.2-83](#), made against school personnel or involving school property or school buses;
- (8) the arrest of any student for an incident occurring on a school bus, on school property, or at a school sponsored activity, including the charge therefore and
- (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.

B. The superintendent and the principal or principal's designee may receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, VA Code Section [54.1-3400 et seq.](#), and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this policy, and whether the student is released to the custody of the student's parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of VA Code [§ 16.1260](#) reports such information to the principal of the school in which the juvenile is enrolled.

C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this policy.

D. The principal or principal's designee also notifies the parent of any student involved in an incident required or authorized by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.

E. Whenever any student commits any reportable incident as set forth in this subsection, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee. Prevention and intervention activities shall be identified in the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act.)

F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this policy that may constitute a felony offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A. of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports whether the incident has been reported to local law-enforcement pursuant to this subsection and if the incident is so reported, that the parents may contact local law enforcement for further information, if they so desire.

G. For the purpose of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

Re-admission of Suspended and/or Expelled Students

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to the student's regular school. Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Orange County Public Schools, in accordance with Policy JEC, School Admission. In this case of a suspension or more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local school board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to VA Code Section [22.1-277.06](#). The excluding school board shall not impose additional conditions for readmission to school.

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

If the parent fails to comply with this policy or [Policy JEC, School Admission](#), the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the school board or superintendent or Superintendent's designee, as the case may be at the relevant hearing, the student may repetition the school board for admission. If the repetition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-repetition the school board for admission.

The School Board may permit students excluded pursuant to this section to attend an alternative education program provided by the School Board for the term of such exclusion.

Disciplining Students with Disabilities

Students with disabilities are disciplined in accordance with [Policy JGDA: Disciplining Students with Disabilities](#).

Appealing a Short-Term Suspension

A student or parent/guardian may submit a written letter of appeal, which should include all supporting documentation, to the principal of the school within two (2) working days of notification of the suspension. The student or parent/guardian should state specifically the reason(s) for the appeal and consider the following before appealing a suspension: (A) whether the facts warrant the suspension; (B) if the consequences were appropriate for the behavior; and (c) whether school and county procedures were followed. The principal shall review the suspension and all of the evidence and render a written decision as soon as possible and within three (3) working days.

A student or parent/guardian who wishes to appeal the principal's decision may submit written notice to the principal within two (2) working days of the principal's decision to uphold the suspension, requesting that the principal forward the letter of appeal and all documentation to the Superintendent or his designee for review. The Superintendent/designee shall review the information, gather additional information, and/or conduct a hearing, if necessary, and render a decision. For suspensions of ten (10) days or less, the decision of the Superintendent/designee shall be final.

Equal Educational Opportunities/Nondiscrimination – [School Board Policy JB](#)

I. Policy Statement

Equal educational opportunities are available for all students, without regard to sex, sexual orientation, race, creed, color, national origin, gender, gender identity, ethnicity, religion, disability, ancestry, marital or parental status or any other unlawful basis. Educational programs are designed to meet the varying needs of all students.

II. Complaint Procedure

A. File Report

Any student who believes he or she has been the victim of prohibited discrimination should report the alleged discrimination as soon as possible to one of the Compliance Officers designated in this policy or to any other school personnel. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to one of the Compliance Officers designated in this policy or to any school personnel. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form, [Report of Discrimination, JB-F](#), to make complaints of discrimination. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint, and identity of the complainant and of the person or persons allegedly responsible for the discrimination, will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the school division's ability to fully respond to the complaint.

B. Investigation

Upon receipt of a report of alleged prohibited discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel, or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint, by giving written notice that the complaint has been received, to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also, upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person or persons responsible for the alleged discrimination. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case-by-case determination based on all of the facts and circumstances revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.

C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent or designee determines that prohibited discrimination occurred, the Orange County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge.

D. Appeal

If the superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the complainant and the person or persons responsible for the alleged discrimination.

If the superintendent or designee determines that prohibited discrimination occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

E. Compliance Officer and Alternate Compliance Officer

The School Board designates a Compliance Officer responsible for identifying, preventing, and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Compliance Officer may be contacted at saylor@ocss-va.org. Complaints of discrimination may also be made to the Alternate Compliance Officer at ydawson@ocss-va.org.

The Compliance Officer

- receives reports or complaints of discrimination;
- conducts or oversees the investigation of any alleged discrimination;
- assesses the training needs of the school division in connection with this policy;
- arranges necessary training to achieve compliance with this policy; and
- ensures that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

III. Retaliation

Retaliation against students or school personnel who report discrimination or participate in the related proceedings is prohibited. The school division shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

IV. Right to Alternative Complaint Procedure

Nothing in this policy denies the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

V. Prevention and Notice of Policy

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parents/guardians shall be notified annually of the names and contact information of the Compliance Officers.

VI. False Charges

Students or school personnel who knowingly make false charges of discrimination shall be subject to disciplinary action.

Threat Assessment Procedures

Orange County Public Schools threat assessment and management practices are consistent with the Model Policies, Procedures, and Guidelines promulgated by the DCJS Virginia Center for School and Campus Safety, per [§ 9.1-184](#), the authorizing statute for VCSCS. Threat assessment teams and oversight committees include persons with expertise in counseling, instruction, school administration, and law enforcement. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A of [§ 22.1-79.4](#). OCPS threat assessment procedures adhere to legislative requirements and are a synthesis of best practices and standards of practice in threat assessment and management in school settings.

Notice: Misdemeanor to Make False Statements as to Residency

The Code of Virginia provides that under certain circumstances it shall be a misdemeanor for any person to knowingly make a false statement concerning residency.

Va. Code [§22.1-264.1](#). Misdemeanor to make false statements as to school division or attendance zone residency; penalty.

Any person who knowingly makes a false statement concerning the residency of a child, as determined by Va. Code [§22.1-3](#), in a particular school division or school attendance zone, for the purposes of (i) avoiding the tuition charges authorized by Va. Code [§22.1-5](#) or (ii) enrollment in a school outside the attendance zone in which the student resides, shall be guilty of a Class 4 misdemeanor and shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges, pursuant to Va. Code [§22.1-5](#), for the time the student was enrolled in such school division. (2006)

Notice: Availability of Policy Manual

Consistent with Virginia Code Section [22.1-253.13:7](#), copies of the Orange County Public Schools policy manual are available for access by the public on the Internet at www.ocss-va.org. Printed copies of division policies are available to citizens who do not have online access through the Office of the Clerk of the School Board of Orange County at (540) 658-6000. (2013)

Notice: Sex Offender Registry Information

Pursuant to Virginia Code Section [22.1-79.3](#), notice is given that information regarding sex offenders is available in the Sex Offender and Crimes Against Minors Registry and may be accessed on the Internet at <http://sex-offender.vsp.virginia.gov/sor/>. (2015)

Notice: Right to Petition

Pursuant to Virginia Code Section [22.1-253.13:7](#) notice is given that any parent or guardian of a student who is aggrieved by an action of the school board may, within thirty days after such action, petition the local circuit court, as provided in Virginia Code Section [22.1-87](#), to review the action of the school board. (2013)