Ordinance 2025/26-59

Section 9-11.3. List of Prohibited Conduct; Principal notification requirement; List of supports provided; superintendent to develop regulations; ineligibility for interscholastic competition; Intervention required when student involved in drug or violent incident. — A. The following conduct is prohibited. Students engaging in such conduct are subject to disciplinary action.

(1) Bullying is prohibited. "Bullying" means 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 cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument or peer conflict.

(2) Cyberbullying is prohibited. "Cyberbullying" means bullying that occurs through the use of technology, including through cell phones and other electronic devices or technology capable of accessing the internet.

i. The principal or principal's designee notifies the parent of any student involved in an alleged incident of bullying within 24 hours of learning of the allegation of bullying.

ii. Any student who is a victim of cyberbullying or a witness to an instance of cyberbullying will be provided protections designed to ensure that such student is not deterred from reporting or seeking support for fear of retaliation, social alienation or rejection, or other negative treatment.

iii. Any student who is a victim of cyberbullying is provided with a list of support services and resources available through the student's school relating to reporting and seeking support after experiencing cyberbullying.

iv. The school superintendent will promulgate regulations to ensure compliance with this notification requirement and will report to the School Board the total number of notices issued by each school in the division by July 30th of each school year.

(3) Gang activity is prohibited. A "gang" is defined as any group of three or more persons whose purpose includes: commission of illegal acts; participation in activities that threaten the safety of persons or property; disruption of the school environment; and the creation of an atmosphere of fear and intimidation. "Gang activity" is defined as wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang; committing any act, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang; using any speech or committing any act in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy and inciting other students to act with physical violence; inappropriate congregating, bullying, cyberbullying, harassment, intimidation, degradation, disgrace and/or related activities which are

likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

(4) Harassment is prohibited. "Harassment" means to repeatedly annoy or attack a person or group in such a way as to cause anxiety or fear for safety. The Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, status as a veteran, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists. It is a violation of this policy for any student to harass a student or school personnel at school or any school sponsored activity, based on protected group. ~~status at school or any school sponsored activity.~~

(5) Hazing is prohibited. "Hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

(6) Intentional Injury of Others. Students are prohibited from intentionally injuring others. Whether a student acted in self-defense is considered when the student's conduct is evaluated for disciplinary action.

(7) Threats: Intimidation. Students are prohibited from making any verbal, written or physical threat of bodily injury to another person.

(8) Trespassing. Students, including students who have been suspended or expelled, are subject to disciplinary action for trespassing on school property.

(9) Use and/or Possession of Alcohol, Tobacco Products, Nicotine Vapor Products, Anabolic Steroids, and Other Drugs. Students are prohibited from possessing, using, or distributing any of the restricted substances listed below on school property, on school buses or during school activities, on or off school property.

(10) Students are prohibited from attempting to possess, use, consume, procure and/or purchase, any of the restricted substances or what is represented by or to the student to be any of the restricted substances or what the student believes is any of the restricted substances listed below. Students are prohibited from being under the influence of any of the restricted substances, regardless of whether the student's condition amounts to legal intoxication. Restricted substances include but are not limited to alcohol, tobacco products, nicotine vapor products, inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of School Board policy.

"***Nicotine vapor product***" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"***Tobacco product***" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

The term **"*imitation drug*"** when used in this section means either (i) a pill, capsule, tablet, or substance in any form whatsoever which is not a controlled substance subject to abuse, and which by overall dosage or unit appearance, including color, shape, size, marking and packaging or by representations made, and would cause a reasonable person to believe that such pill, capsule, or substance in any other form whatsoever will be mistaken for a controlled substance; or (ii) a pill, capsule, tablet or substance which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation, unless permitted to be marketed, promoted, or sold as such by the United States Food and Drug Administration.

(11) Use of Profane or Obscene Language and Conduct. Students are prohibited from using profane or obscene language or engaging in profane or obscene conduct.

(12) Vandalism. Students are prohibited from vandalizing school property and the property of any School Board staff member or any other person. The School Board may recover damages sustained because of the willful or malicious destruction or, or damage to, public property.

B. In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition. (Adopted August 14, 1997; Revised January 14, 1999; Revised November 11, 1999; Ordinance Number 99/00-35; Revised December 12, 2002; Ordinance Number 02/03-03; Effective July 1, 2003; Ordinance Number 04/05-9; Effective July 1, 2005; Revised June 13, 2013; Ordinance Number 12/13-97; Effective Date: July 1, 2013; Ordinance 21/22-12; Revised August 12, 2021; Revised/Effective: April 11, 2024, Ordinance 23/24-75)

Ordinance 2025/26-59

Legal Authority - Virginia Code §§ 16.1-260, 18.2-308.1, 18.2-308.7, 22.1-23.3, 22.1-200.1, 22.1-253.13:7, 22.1-254, 22.1-276.01, 22.1-276.3, 22.1-277, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.3, 22.1-279.3:1, 22.1-288.2, 22.1-78, 22.1-279.6, & 18.2-56.