2026–27

Code of Student Conduct Handbook

Frederick County Public Schools

Frederick County, VA

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Notice of Nondiscrimination

In compliance with the Executive Order 11246; Title II of the Education Amendments of 1976; Title VI of the Civil Rights Act of 1972; Title IX Regulation Implementing Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and all other Federal and State laws and school policies and regulations, Frederick County Public Schools shall not discriminate on the basis of race, color, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender, gender identity, age, political affiliation, disability, military status, marital status, pregnancy, childbirth or related medical conditions, genetic information or any other characteristic protected by law in the education program and activities, or employment and provides equal access to the Boy Scouts and other designated youth groups.

It is the intent of Frederick County Public Schools to comply with both the letter and spirit of the law in making certain that discrimination does not exist in its policies, regulations, and operations. Grievance procedures, for Title IX and Section 504, have been established for students, their parents/legal guardians, and employees who feel discrimination has been shown by the school division.

All students attending Frederick County Public Schools may participate in education programs and activities, including but not limited to health and physical education, music, career and technical education. Educational programs and services will be designed to meet the varying needs of all students and will not discriminate against any individual for reasons of race, color, national origin, ancestry, religion, sex, sexual orientation, gender, gender identity, age, political affiliation, disability, military status, marital status, pregnancy, childbirth or related medical conditions, genetic information or any other characteristic protected by law in the education program and activities.

Questions concerning the application of Title IX and Section 504 may referred to the FCPS Title IX Coordinator:

FCPS Title IX Coordinator—
Adult Matters
Executive Director of Human Resources
1415 Amherst Street
Winchester, VA 22601
Ph: 540-662-3888
TitleIXCoordinator@fcpsk12.net

FCPS Title IX Coordinator—
Student Matters
Section 504 Coordinator
Director of Student Support Services
1415 Amherst Street
Winchester, VA 22601
Ph: 540-662-3888
TitleIXCoordinator@fcpsk12.net

To report violations of Title IX, please immediately contact either FCPS Title IX Coordinator at the above email address or phone number. See FCPS Policies 429P and 506P for details for both the Title IX and compliance grievance processes.

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Frederick County Public Schools

Superintendent of Schools

George C. Hummer, Ed.D.
hummerg@fcpsk12.net

August 2026

Dear FCPS Families,

As we open our doors for the 2026-27 school year, I am thrilled to welcome you and your students back to Frederick County Public Schools. Our entire team is energized and fully committed to making this a year of exceptional learning, remarkable growth and profound success for every student.

A cornerstone of a thriving school community is a shared understanding of our behavioral expectations to ensure a safe and supportive learning environment for our students. The School Board's adoption of our redesigned Code of Student Conduct has enhanced consistency across the division, allowing our classrooms to remain focused, respectful and productive.

Because we believe in continuous improvement, the Code of Student Conduct Handbook is a living document. We review it annually in collaboration with key stakeholders to ensure it evolves alongside best practices and the needs of our students. For the upcoming school year, we made several key updates, including:

- Safety and Dress Code: Oleoresin Capsicum Spray (pepper spray) has been explicitly added to the prohibited weapons category. Also, a clear definition of pajamas and sleepwear has been established.
- Standardized Appeal Processes: We have clarified the formal appeal guidelines for disciplinary actions including detentions, class restrictions, and In-School Assistance (ISA), establishing specific timelines and final authorities for these reviews.
- Bus Discipline Guidelines: The framework clarifies that administrators and drivers are not restricted to standard offense codes, permitting appropriate intervention and coding for behaviors such as fighting, defiance, and profane language following an investigation.
- Community Crimes Realignment: A structured notification and hearing process has been integrated to govern alternative educational placements when a student is charged with a crime in the community.
- Bullying and Cyberbullying Regulations: A comprehensive new regulation has been introduced to formalize our current practice for investigating and addressing allegations of bullying.

We value our partnership with you and your involvement is vital to our students' success. I strongly encourage you to take some time to review this updated handbook with your students. By reinforcing these expectations together, we create a safe and respectful environment where everyone can thrive.

Thank you for your continued support of FCPS. If you ever have questions or concerns regarding your student's academic, social, or emotional journey, please never hesitate to reach out to your school's leadership team directly.

Wishing you all a wonderful school year ahead!

Sincerely,

Dr. George C. Hummer
Superintendent of Schools
hummerg@fcpsk12.net

Purpose

The Frederick County School Board (School Board) expects a high standard of student conduct in an effort to ensure that education is provided in an atmosphere conducive to learning, free of disruption and threat to person or property, and supportive of individual rights. The School Board has adopted the *Code of Student Conduct* to establish rules and expectations for student behavior while on school property and at school activities/events. The *Code of Student Conduct* describes prohibited behavior and the discipline process throughout the school division.

School Jurisdiction

Students are subject to the jurisdiction of the School Board and its agents while in school, while at school-sponsored events, while going to and from school, and while at other places or locations, whether on or off school property, when engaged in conduct in some substantial way connected with school or affecting school-related interests.

School is defined as any location or property at which instruction is being conducted or may be made available to students. Locations or properties may include, but are not limited to, any property or facilities owned or operated by or under the control of the School Board or on its behalf or by its agent, regional facilities jointly operated by or on behalf of two or more school divisions or under the control of their agent, and classrooms or instructional settings provided by colleges or universities in connection with instruction to students.

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 education 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:

1. A public education;
2. An orderly school and classroom environment that allows optimum learning, emphasizing the values of responsibility, kindness, fairness, and safety; and
3. Freedom of expression in speech, writing, or symbols consistent with their constitutional rights and the policies of the School Board.

Students have the primary responsibility to maintain a school atmosphere of mutual respect and trust in order that the dignity of the individual may be protected and the pursuit of opportunities for each student is realized. Students are responsible for the following:

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

Parent/Legal Guardian Roles and Responsibilities

Every parent/legal guardian has the duty to assist the school in enforcing this *Code of Student Conduct* and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption, threat to persons or property, and supportive of individual rights. A copy of the *Code of Student Conduct* is provided to every parent/legal guardian at the beginning of each school year and it is the responsibility of every parent/legal guardian to review the *Code of Student Conduct,* sign the statement acknowledging receipt of the *Code of Student Conduct,* and review the *Code of Student Conduct* with their student.

Any school principal may request a student's parent/legal guardian meet with the principal or his designee to review the *Code of Student Conduct* and the parent's/legal guardian's responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with the *Code of Student Conduct* and compulsory school attendance law, and to discuss improvement of the student's behavior and educational progress.

Principal/School-based Administration Roles and Responsibilities

The principals of the schools and those to whom they delegate the authority are responsible for the consistent and uniform application of all School Board policies and regulations, and rules of the individual school, which together set forth the standards for student conduct. The principal or principal's designee shall determine the appropriate disciplinary measures for each case of misconduct by a student, except where consequences are predetermined by a specific School Board policy or by law. Determinations of disciplinary measures shall include consideration of the relative impact of a violation on the entire student body as well as the individual, school and county-wide regulations and rules, the student's cumulative discipline record, and the student's individual needs.

The school principal or principal's designee shall notify the parent/legal guardian of any student who violates a School Board policy, the standards of student conduct, or the compulsory school attendance requirements when such violation is likely to result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent/legal guardian to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent/legal guardian may be required to accompany the student to meet with school officials; and (4) that a petition with the Juvenile and Domestic Relations District Court may be filed under certain circumstances to declare the student a child in need of supervision or a child in need of services.

The principal or principal's designee shall inform, consult with, and/or refer to the School Support Center any discipline matters that involve situations of extreme danger, acts of violence, threats to the school, and any discipline matters that involve unusual circumstances or need special handling. The principal or principal's designee shall notify the parent/legal guardian of each suspension and may request a conference prior to readmission. Disciplinary measures may include, but need not be limited to, the following: warning, counseling, detention, special assignments, in-school detention, in-school assistance, removal from class, suspension from extracurricular activities, school probation, referral to law enforcement, suspension, and expulsion from school. The principal may refer a student to the Superintendent or the Superintendent's designee or the School Board for consideration of additional penalties, which include long-term suspension, assignment to an alternative education program, or expulsion. All disciplinary actions shall be taken in accordance with due-process requirements.

Professional Teaching Staff Responsibilities

Teachers are responsible for stimulating maximum learning by their students by providing a good environment and by guiding sound curriculum experiences and activities in the classroom, school, and community.

Teachers have a lasting influence upon the lives of our students, and teachers are obligated to set a standard of professional conduct that will promote respect from students. Teachers' relationships with students, demand of respect, correct use of grammar and expressions, dress, and moral habit will aid in promoting better student-teacher relationships. It is, therefore, important that teachers subscribe to a code of ethics reflecting the highest degree of professional and moral standards.

Teachers are responsible for the order and progress of their classes under the authority, direction, and supervision of the principal. If a student is not meeting behavioral expectations the teacher has implemented in the classroom or pursuant to this *Code of Student Conduct,* a teacher may refer the student to administration for discipline.

Law Enforcement

Frederick County Public Schools and the Frederick County Sheriff's Office have partnered together and entered into a Memorandum of Understanding to establish a mutually beneficial partnership, the School-Law Enforcement Partnership (SLEP), to ensure the safety of students and school facilities. Through this partnership, a School Resource Officer (SRO) is assigned to every school building within the school division. Each SRO is a sworn law enforcement officer and under the direction of the Frederick County Sheriff. Each SRO serves as a visible law enforcement presence at every school building and works with administrators and staff to maintain the security and safety of students, staff, and the building.

Every SRO works with the administrators in their assigned school to assist in certain discipline matters and to handle law enforcement related issues. As required by Virginia Code § 22.1-279.3:1, there are instances when principals must immediately notify law enforcement of a student's involvement in any of the following activities:

1. Any incident involving the use, possession, or distribution of marijuana, alcohol, a controlled substance, an 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 medication.
2. Any incident involving the sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Virginia Code § 18.2-47 or 18.2-48, or stalking of any person as described in Virginia Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity.
3. Any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity.
4. The illegal carrying of a firearm, as defined in Virginia Code § 22.1-277.07, onto school property.
5. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Virginia Code § 18.2-85, or explosive or incendiary devices, as defined in Virginia Code § 18.2-433.1, or chemical bombs, as described in Virginia Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity.

At times, SROs will also assist school administrators in the facilitation of a school search. SROs are not authorized to conduct a search of any student on behalf of the school and must remain under the continuing control and direction of a school administrator while assisting in the facilitation of a school search. However, SROs may, under circumstances authorized by law, conduct their own independent search. Please see FCPS 439P, Students—Student Search and Seizure for more information.

Student Search and Seizure

A search involves an invasion of privacy. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the school division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission. To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student belongings, student lockers or student automobiles as outlined in FCPS Policy 439P, Students—Student Search and Seizure and may seize any illegal, unauthorized or contraband materials discovered in the search.

Student Behavior and Administrative Response (SBAR)

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 school 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/legal guardians, and counselors of students' social-emotional development and emphasize the importance of helping students achieve academically and develop social emotional learning competencies.

Categories of Behaviors

The following behavior categories were designed to recognize the impact student behavior has on the school environment and form the framework for identifying behaviors that may negatively impact that environment. They encourage awareness of students' social-emotional development, emphasize the importance of helping everyone understand the effect of behavior, and point the way for developing a plan for improving. When an administrator receives an office managed behavior referral, the administrator should ask, "What harm was caused by the behavior?" in order to assign the behavior to one of the following categories.

Behaviors that Impede Academic Progress (BAP). These behaviors impede academic progress of the student or of other students. They are typically indicative of the student's lack of self-management or self-awareness. Sometimes, the student may need help in understanding how the behavior impacts others so training in social awareness may also be indicated. For elementary students, level one responses are recommended for these behaviors. For secondary students, level one or level two responses are recommended. These behaviors should not involve or be reported to law enforcement. Examples of Behaviors that Impede Academic Progress:

- Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)
- Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)
- Scholastic dishonesty (cheating, plagiarism)
- Unexcused tardiness to class
- Unexcused tardiness to school

Behaviors Related to School Operations (BSO). These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills. Recommended responses to these behaviors for elementary and secondary students range from level one to level three. These behaviors do not require a report to law enforcement. Examples of Behaviors that Interfere with School Operations:

- Altering an official document or record
- Giving false information to staff, misrepresentation
- Refusal to comply with requests of staff in a way that interferes with the operation of school
- Failure to be in one's assigned place on school grounds
- Failure to attend assigned disciplinary setting
- Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building
- Dress code violation
- Gambling
- Possessing items that are inappropriate for school
- Possession of stolen items
- Unauthorized use of school electronic or other equipment
- Violation of the Acceptable Use of Technology/Internet policy
- Violation of School Board policy regarding the possession or use of portable communication devices
- Vandalism, graffiti, or other damage to school or personal property

Relationship Behaviors (RB). These behaviors create a negative relationship between two or more people that does not result in physical harm. Relationship behaviors affect the whole school community in that the school climate is often a reflection of how people treat one another. Students who exhibit difficulty with relationship behaviors may also have difficulty with the other social-emotional competencies. For elementary and secondary

students recommended responses to these behaviors range from level one to level three. These behaviors do not require a report to law enforcement. Examples of Relationship Behaviors:

- Bullying with no physical injury
- Cyberbullying
- Posting, distributing, displaying, or sharing material or literature that is libelous, including using electronic means to post such material
- Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature
- Stealing money or property without physical force
- Speaking to another in an uncivil, discourteous manner
- Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight
- Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)
- 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
- Failure to respond to questions or requests by staff
- Unwanted or inappropriate physical contact

Behaviors that Present a Safety Concern (BSC). These behaviors create unsafe conditions for students, staff, and/or visitors to the school. The underlying reasons for this type of behavior may lie in any of the social-emotional competencies so the administrator should investigate the underlying motivation for the student's behavior. Training in social awareness and decision-making are usually indicated in any behavior that creates a safety concern. The recommended responses for elementary and secondary students should be based on age and development of the student and the harm caused by the behavior. Behaviors that are felony offenses require a report to law enforcement. Examples of Behaviors that Present a Safety Concern:

- Alcohol: Possessing or using alcohol
- Alcohol: Distributing alcohol to other students
- Drugs: Possessing drug paraphernalia
- Drugs: Violating School Board non-prescription (over the counter) medication policy
- Tobacco: Possessing/Using tobacco products, electronic cigarettes, vaping equipment
- Bullying behavior without physical injury that continues after intervention
- 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.
- Bus: Distracting the bus driver
- Bus: Endangering the safety of others on the bus
- Harassment: Repeatedly annoying or attacking a student or group of students or personnel creating an intimidating or hostile educational or work environment
- Fire alarm: Falsely activating a fire or other disaster alarm
- Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke
- Engaging in reckless behavior that creates a risk of injury to self or others
- Fighting that results in no injury as determined by the school administration
- Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students
- Throwing an object that has the potential to cause a disturbance, injury, or property damage
- Shoving, pushing, striking a student with no visible injury
- Exposing body parts, lewd or indecent public behavior
- Physical contact of a sexual nature—patting body parts, pinching, tugging clothing

- Stalking
- Stealing money or property using physical force (no weapon involved)
- Leaving school grounds without permission
- Trespassing
- Weapons: Possessing any weapon (other than a firearm)

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. Behaviors that rise to this level of severity are often complex. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies. Recommended responses for all students range from level one to level five depending upon the age and development of the student and the danger caused by the behavior. Behaviors that are felony offenses require a report to law enforcement. Examples of Behaviors that Endanger Self or Others:

- Assault: Intending to cause physical injury to another person
- Assault and Battery: Causing physical injury to another person
- Bomb Threat: Making a bomb threat
- Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications
- Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications
- Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications
- Fighting: The use of physical violence between students or on another person where there is no injury as determined by the school administration
- Fire: Attempting to set, aiding in setting, or setting a fire
- Gang-related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in Virginia Code § 18.2-46.1 (Level 1 to 4)
- Hazing: As defined in Virginia Code § 18.2-56, and noted in Virginia Code § 22.1-279.6
- Striking Staff: The use of force against a staff member when no injury is caused
- Threatening or instigating violence, injury, or harm to a staff member
- Threatening or instigating violence, injury, or harm to another student
- Using an object not generally considered to be a weapon to threaten or attempt to injure school personnel
- Using an object not generally considered to be a weapon to threaten or attempt to injure a student(s) or others

Persistently Dangerous Behaviors (PDB). These behaviors are used in calculations to identify a school as persistently dangerous as required for each state receiving funds under the federal *No Child Left Behind Act of 2001* and to establish and implement a statewide policy requiring that a student attending a persistently dangerous school be allowed to attend a safe school. While they are used as measures for determining persistently dangerous public schools, these behaviors are also indicators that the student is in need of interventions and supports. These behaviors merit a report to the Superintendent's office and to law enforcement and should be addressed in the manner consistent with a level 5 response. Examples of Persistently Dangerous Behaviors:

- Homicide with a firearm or other weapon includes any death resulting from causes other than natural, accidental, or suicide

- Sexual assault offenses are defined as sexual penetration without consent and includes statutory rape and carnal knowledge of a minor
- Use of bomb includes any explosive device
- Assault with a firearm or other weapon includes the intentional causing of bodily harm to an individual
- Malicious wounding without a weapon includes intentionally causing another person bodily injury, with the intent to maim, disfigure, disable, or kill
- Aggravated sexual battery includes sexual battery and abuse against a person less than 15 years of age
- Actual or attempted robbery
- Kidnapping/abduction
- Illegal possession of a handgun, rifle/shotgun, projectile weapon, bomb, or other firearms
- Illegal possession of controlled drugs and substances with the intent to distribute or sell.

Disciplinary Penalties

A principal or designee may use any of the following penalties to maintain order and discipline within the school environment.

- **Warning and Counseling—**Warning and counseling should be used where appropriate to assist a student to understand that his/her conduct interferes with his/her educational process, threatens the rights of others, or is contrary to school policy or regulations and needs to be corrected.
- **Lunch Detention—**A student will be directed to eat lunch in a separate setting as identified by school staff.
- **After-school Detention—**A student may be detained for a reasonable period of time before or after scheduled classes and may be required during this time to engage in such activities that may reasonably contribute to better behavior. The parent/legal guardian of the student to be detained shall be notified by the school. The student who has been assigned detention time shall promptly inform his/her parent/legal guardian. The parent/legal guardian will be responsible for transporting the student. Except in certain circumstances, a student shall be given at least one day's notice if he/she has been assigned detention time.
- **Special Assignments—**A student may be given special assignments as a corrective measure. This may include, but not be limited to, reasonable assignments for general assistance at the school facility.
- **Class Restriction—**A student may be removed from his/her regular schedule of classes and assigned to another location.
- **Suspension from Extracurricular Activities—**A student's privilege to participate in all or certain extracurricular activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular activities may be imposed in conjunction with other penalties. Students who have been charged with a criminal offense may be suspended from participation for a period of time or until certain conditions have been fulfilled. Any and all sanctions are at the discretion of the school principal.
- **Bus Suspension—**Students may be suspended from riding their assigned school bus as a disciplinary sanction for behaviors that occur on the bus. During a period of bus suspension, FCPS shall not be responsible for transporting the pupil to school. The student's parent/legal guardian must make arrangements for the student to be transported to and from school.
- **School Probation—**Being placed on probation is notification that a student's behavior has been unacceptable and must be improved. A student may be placed on probation for a period not to exceed 45 school days by the principal following a conference with the student's parent/legal guardian in which the terms and conditions of the probation are explained. The principal shall also notify the parent/legal guardian in writing when a probation is imposed, including the reasons for the probation and its date of termination.
- **In-school Assistance (ISA)—**In-school assistance is a disciplinary measure that assigns students to a

restrictive and highly controlled school-based setting other than the regular classroom where students are isolated and must complete all assigned work. This disciplinary action is also known as In-School Suspension.

- **Short-term Suspension (10 days or less)—**A student may be suspended from school for violations of this regulation. Suspension is the temporary exclusion of a student from regular school attendance and activities by the principal, or designee for a period of time not to exceed 10 days. While the suspension is in effect the student is denied attendance at any and all programs of Frederick County Public Schools. Except as provided in Virginia Code §§ 22.1-277(B), 22.1-277.07, or 22.1-277.08, no student in preschool through grade three may be suspended for more than three school days, unless 1) the offense involves physical harm or credible threat of physical harm to others or 2) the School Board or the Superintendent or Superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education. Teacher workdays, weekends, holidays, or other days that schools are closed for students, including school closings related to weather or emergencies, will not count in the days suspended from school.
- **Referral to Law Enforcement Officials—**Violations of law will be handled by referring the case to law enforcement officers in addition to the use of other disciplinary measures.
- **Removal from Class—**A disruptive student may be removed from class according to the requirements of § 22.1-276.2 of the Code of Virginia, Frederick County School Board Policy 431P.

A principal may refer a student to the Hearing Officer (the Superintendent's designee for disciplinary matters) for consideration of one or more of the following disciplinary actions:

- **Administrative Probation—**Being placed on administrative probation is notification that a student's behavior has been unacceptable and must be improved. A student may be placed on administrative probation for up to one school year by the Superintendent or Superintendent's designee following a conference with the student's parent/legal guardian in which the terms and conditions of the administrative probation are explained. The Superintendent or Superintendent's designee shall also notify the parent/legal guardian in writing when administrative probation is imposed, including the reasons for the administrative probation and its date of termination.
- **Long-term Suspension—** Long-term suspension is the exclusion of a student from regular school attendance and activities by the Superintendent or Superintendent's designee for a period of 11–45 school days. While the suspension is in effect the student may be denied attendance at any and all programs of Frederick County Public Schools or may be assigned to an alternative education and/or intervention program during the period of suspension. A student who has been long-term suspended may be readmitted to school on a conditional entry basis (as per regulations) following the completion of the suspension.

  A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if 1) the offense is one described in Virginia Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or 2) a committee of the School Board or the division Superintendent or Superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education. For the purposes of Virginia Code §§ 22.1-277 and 22.1-277.05, the Virginia Department of Education has defined "aggravating circumstances" to mean:

  1. That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
  2. That a student's presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
  3. That a student engaged in a serious offense that is:

     a) persistent (repeated similar behaviors are documented on the student's disciplinary record), and

b) unresponsive to targeted interventions as documented through an established intervention process.

Except as provided in Virginia Code §§ 22.1-277(B), 22.1-277.07, or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days unless 1) the offense involves physical harm or credible threat of physical harm to others or 2) the local School Board or the Superintendent or Superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

- **Assignment to an Alternative Education Program—**"The School Board may require any student who has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the superintendent of the school division pursuant to the Code of Virginia § 16.1-305.1; (iii) found to have committed a serious offense or repeated offenses in violation of School Board policies; (iv) suspended due to Virginia Code § 22.1.277.05; or (v) expelled pursuant to Virginia Code §§ 22.1-277.06, 22.1-277.07, or § 22.1-277.08, or subsection B of § 22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred..." (Virginia Code § 22.1-277.2:1). Pursuant to disciplinary authority of the School Board, the Superintendent or Superintendent's designee may require students to attend an alternative education program consistent with the provisions of 22.1-277.2:1 and such decision shall be final unless altered by the School Board upon timely written petition.
- **Expulsion—**A student's privilege to attend school may be terminated by the School Board in accordance with the due process procedures described below. Expulsion is an action by the School Board which terminates the student from regular school attendance. Expulsion denies attendance at any and all programs of Frederick County Public Schools. Expulsion is an action by the School Board which terminates the student from regular school attendance 365 calendar days or longer.

  Except as provided in Virginia Code §§ 22.1-277(B), 22.1-277.07, or 22.1-277.08, no student in preschool through grade three shall be expelled from school unless 1) the offense involves physical harm or credible threat of physical harm to others or 2) the local School Board or the Superintendent or Superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Leveled Administrative Responses to Student Behavior

Administrative responses and interventions are designed to address student behavior, reinforce school and classroom expectations for appropriate behavior, and prevent further behavioral issues. The following lists of leveled administrative responses to student behavior are provided as an example of a leveled system of discipline responses and is not exhaustive. Please note, multiple offenses under a lower level may justify administering disciplinary sanctions from a higher level.

Level One Responses

Level One responses are intended to prevent further behavioral issues while keeping the student in school.

Behavioral Interventions	Disciplinary Sanctions
• Re-teaching or modeling of desired behavior • Recognize/Reward appropriate behavior • Administrator/Student conference and/or Administrator/Student/Teacher conference • Written reflection or letter of apology • Peer mediation or conflict resolution • Behavior progress chart • Community service (appropriate to correct the behavior) • Administrator/Teacher/Parent/Legal Guardian conference • Restitution • Seat change • Confiscation of items by the administration	• Loss of school privileges • Lunch Restriction • Class Removal • Detention (before school, at lunch, after school) • In-school suspension of one to two days with behavioral instruction and academic support • Bus suspension

Level Two Responses

Administrative responses and interventions 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 may be appropriate.

Behavioral Interventions	Disciplinary Sanctions
• Student conference • Administrator/Teacher/Counselor/Student conference (includes re-teaching of expected behavior) • Administrator, Teacher, Parent/Legal Guardian conference • Check-in/Check-out • Mediation or conflict resolution • Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, and Problem Solving Team (ex. VTSS), Substance Use and Intervention Program) • Referral to Individualized Education Plan (IEP) team • Community service (appropriate to correct the behavior) • Referral for community-based services • Schedule change • Restitution • Confiscation of items by administration	• Lunch restriction • Class restriction • Detention (before school, at lunch, after school) • Friday Night School • Loss of school privileges • In-school suspension with behavioral interventions and/or restorative practices (one to three days) • Bus suspension

Level Three Responses

Depending upon the severity, chronic nature of the behavior and/or safety concerns, Level Three behaviors may result in the student's short-term removal from school.

Behavioral Interventions	Disciplinary Sanctions
• Administrator, Teacher, Parent/Legal Guardian conference • Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, Problem Solving Team, Therapeutic Day Treatment (TDT), Substance Use and Intervention Program) • Referral for community-based services • 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) • Behavior contract (developed with and signed by the student, parent/legal guardian, and school officials) • Community service as part of a restorative practice • Restitution	• In-school suspension with restorative practices (three plus days not to exceed five days) • Detention • Revocation of privileges • Short-term out-of-school suspension (one to three days for elementary students/one to five days for secondary students) with restorative circle or conference upon return • Referral to law enforcement where required

Level Four Responses

Some Level Four behaviors require a report to the Superintendent or Superintendent's designee as outlined in the Virginia Code § 22.1-279.3:1.A. Local School Board policy may require additional reporting. A referral to the Superintendent or Superintendent's designee does not automatically result in a long-term suspension, change of placement or expulsion. After a review of the incident in context, the Superintendent or Superintendent's designee may return students to the comprehensive setting with additional supports and/or responses to be implemented.

Behavioral Interventions	Disciplinary Sanctions
• Administrator, Teacher, Parent/Legal Guardian, Student behavior contract • Referral for community-based services • Referral to IEP Team • Manifestation Determination Meeting (MDR) • Threat Assessment as indicated by the behavior • Schedule change • Restitution via written contract	• Referral to law enforcement as required • Long-term revocation of privileges • Alternative placement • Short-term out-of-school suspension (for preschool to grade three students: one to three days; four to 10 days for fourth- to sixth-grade students; or five to 10 days for seventh- to twelfth-grade students) • Recommendation for a long-term suspension as determined by local policy or by Virginia Code Section: (11 to 45 days as defined in § 22.1-276.01 or 46–364 days based on aggravating circumstances as defined by VDOE)

Level Five Responses

Level Five responses are reserved for those behaviors that require a referral to the Superintendent or Superintendent's designee. For preschool to grade three students, any suspension beyond three days must be referred to the Superintendent or Superintendent's designee. For grades four through twelve, any suspension beyond ten days must be referred to the Superintendent or Superintendent's designee. A referral to the Superintendent or Superintendent's designee may not automatically result in an expulsion, alternative placement, school reassignment, or long-term suspension as other corrective actions may be responses and is not exhaustive. Please note, multiple offenses under a lower level may justify administering disciplinary sanctions from a higher level. utilized instead.

Required School-based Responses	Superintendent or Designee Responses
• Threat assessment as indicated by the behavior • Referral to IEP Team • Manifestation Determination Meeting (MDR) • Referral to law enforcement as required • Referral to Superintendent or Superintenent's designee	• Recommendation for a long-term suspension as determined by local policy or by Code Section: (11 to 45 days as defined in § 22.1-276.01 or 46–364 days based on aggravating circumstances) • Alternative placement • Expulsion • School reassignment: Students may be assigned to another school within the division. School Board policy should establish the procedures for assigning any student to another school. Those policies and procedures should ensure equity.

Defined Student Misconduct and Corresponding SBAR Codes

Arson

The Virginia Code § 18.2-79 prohibits the burning or destroying of any school. The destruction may be in whole or in part—only a slight burning is necessary to violate this section of the Virginia Code. Incidents that rise to the level of arson of a school should be turned over to law enforcement for investigation.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire	PK–12	Levels 2, 3, 4	Yes
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	PK–12	Levels 1, 2, 3	No

Assault and Battery

The assault and battery, or intentional verbal and/or physical abuse by a student on another student or staff member is strictly prohibited. An assault is a threat of bodily injury. Battery is any bodily hurt, however slight, done to another in an angry, rude, or vengeful manner.

Behavior that is developmentally expected should not be labeled as assault or battery.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO1	Assault: Intending to cause physical injury to another person	6–12	Levels 1, 2, 3	Yes
BESO2	Assault and Battery: Causing physical injury to another person	6–12	Levels 3, 4, 5	Yes
BESO4	Striking Staff: The use of force against a staff member when no injury is caused	PK–12	Levels 1, 2, 3, 4	No
PD3	Sexual Assault	PK–12	Level 5	Yes
PD4	Attempted Sexual Assault	PK–12	Level 5	Yes
PD6	Assault with Firearm or Weapon	PK–12	Level 5	Yes
PD9	Malicious Wounding Without a Weapon	PK–12	Level 5	Yes
PD10	Aggravated Sexual Battery on a Student	PK–12	Level 5	Yes

Attendance: Truancy and Chronic Absenteeism

Violating state law and school division 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 school/class on time or for a portion of the day without a legitimate excuse is forbidden. Please see FCPS Policy 405P—Compulsory Attendance/Exclusions and Exemptions from School Attendance and FCPS Policy 410P—Student Absences, Excuses, Dismissals.

SBAR Code	Offenses	Grade	Response Level(s)	Legal Notes
BAP4	Unexcused tardiness to class	PK–5	Level 1	No ISA, OSS*, or Class Restriction can be assigned for this violation
BAP4	Unexcused tardiness to class	6–12	Levels 1, 2	No ISA, OSS*, or Class Restriction can be assigned for this violation
BAP5	Unexcused tardiness to school	PK–5	Level 1	No ISA, OSS*, or Class Restriction can be assigned for this violation
BAP5	Unexcused tardiness to school	6–12	Levels 1, 2	No ISA, OSS*, or Class Restriction can be assigned for this violation
BSC24	Leaving school grounds without permission	PK–5	Level 1	No ISA, OSS*, or Class Restriction can be assigned for this violation
BSC24	Leaving school grounds without permission	6–12	Levels 1, 2	No ISA, OSS*, or Class Restriction can be assigned for this violation
BSO5	Failure to attend assigned disciplinary setting	PK–5	Levels 1, 2	

SBAR Code	Offenses	Grade	Response Level(s)	Legal Notes
BSO5	Failure to attend assigned disciplinary setting	6–12	Levels 1, 2, 3	
BSO15	Student is not going to class as assigned	PK–12	Levels 1, 2	No ISA, OSS*, or Class Restriction can be assigned for this violation
BSO16	Student is in an unauthorized area of campus	PK–12	Levels 1, 2, 3	

*OSS refers to both short-term suspension and long-term suspension

Bomb Threat (Virginia Code § 18.2-83)

Any student who makes a threat to bomb a school building or who communicates by any means, knowing the information to be false, the existence of a bomb or burning of a school shall be suspended and referred to the Superintendent or Superintendent's designee for review and possible further referral to the School Board for expulsion.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO17	Bomb Threat: Making a bomb	PK–12	Levels 1, 2, 3, 4, 5	Yes

Bullying and Cyberbullying (Virginia Code § 22.1-276.01)

Students, either individually, or as part of a group, shall not harass or bully others either in person or by the use of any electronic communication technology, including computer systems, telephones, or instant messaging systems.

Bullying and retaliation for reports of bullying will not be tolerated in FCPS. Students who experience or witness acts of bullying should immediately report the incidents to school personnel so that the events may be investigated. Consequences will be administered to all students involved in substantiated acts of bullying.

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 cyberbullying which is the willful and repeated harm inflicted through the use of computers, cell phones, technology capable of accessing the Internet, and other electronic devices. Cyberbullying that occurs between enrolled students outside of school property may also be subject to this *Code of Student Conduct.* Bullying does not include ordinary teasing, horseplay, argument, or peer conflict.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB1	Bullying with no physical injury	PK–12	Levels 1, 2, 3	No
RB2	Cyberbullying	PK–12	Levels 1, 2, 3	No
BSC6	Bullying behavior without physical injury that continues after intervention Bullying that leads to physical injury should be classified as Assault and Battery	PK–5	Levels 1, 2, 3, 4	No
BSC6	Bullying behavior without physical injury that continues after intervention Bullying that leads to physical injury should be classified as Assault and Battery	6–12	Levels 2, 3, 4	No

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC7	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	PK–12	Levels 3, 4, 5	No
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	PK–12	Levels 1, 2, 3	No
RB9	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	PK–12	Levels 1, 2, 3	No

Cheating/Plagiarism

Students shall not cheat, participate in any form of plagiarism (which includes, but is not limited to, self-plagiarism or recycling one's own work), assist or encourage others to do so, or willfully disregard the FCPS Policy 322P, Instruction—Copyright Infringement and Plagiarism and FCPS Regulation 337R—Use of Generative Artificial Intelligence (AI). Students will be counseled, may lose credit for the assignment, and may be referred to the school administrator for disciplinary action. The school administrator will notify the parent/legal guardian of the action and the reason for the action.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BAP3	Scholastic Dishonesty (Cheating, Plagiarism)	PK–5	Level 1	No
BAP3	Scholastic Dishonesty (Cheating, Plagiarism)	6–12	Levels 1, 2	No

Dishonesty, Theft, Property Violations

Dishonesty: Behavior, including lying, fraud, misrepresentation, or other actions intended to deceive or mislead.

Theft-Larceny: The wrongful taking of the property of another without the owner's consent and with the intention of permanently depriving the owner of possession of the property.

Property Violations: These violations include, but are not limited to, damages caused by fire, destruction of property, vandalism, and theft.

Destruction of Property (Virginia Code § 22.1-280.4): FCPS is authorized to seek reimbursement from a student or student's parent/legal guardian for any "actual loss, breakage, or destruction of or failure to return property, owned by or under the control of FCPS, caused or committed by such student in pursuit of his studies."

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSO1	Altering an official document	PK–12	Levels 1, 2, 3	No
BSO2	Giving false information, misrepresentation	PK–12	Levels 1, 2, 3	No
BSO14	Vandalism, graffiti or other damage to school or personal property	PK–12	Levels 1, 2, 3	No

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB5	Stealing money or property without physical force	PK–12	Levels 1, 2, 3	Yes*
BSC22	Stealing money or property using physical force	PK–5	Levels 1, 2, 3	Yes*
BSC22	Stealing money or property using physical force	6–12	Levels 1, 2, 3, 4	Yes*
PD7	Actual or Attempted Robbery	PK–12	Level 5	Yes

*Report if there is a theft or attempted theft of student prescription medication

Disruptive Behavior

Any physical or verbal disturbance which interrupts or interferes with teaching and the orderly conduct of school activities, is prohibited.

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:

- Unwillingness to submit to authority or refusal to respond to a reasonable request.
- 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.
- Cursing, violent, and/or abusive language towards another student and/or school personnel.
- Students shall not engage in conduct that is or is intended to be disruptive of any school-sponsored activity, function, or process of the school, is dangerous to the health or safety of students or others, or results in destruction of property. Excessive and disruptive 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 Displays of Affection (PDA)—Students may be disciplined for kissing, touching, hugging, and other public displays of affection.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BAP1	Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	PK–5	Level 1	No
BAP1	Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	6–12	Levels 1, 2	No
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	PK–5	Level 1	No

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	6–12	Levels 1, 2	No
BSO2	Giving false information, misrepresentation	PK–12	Levels 1, 2, 3	No
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	PK–12	Levels 1, 2, 3	No
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	PK–12	Levels 1, 2, 3	No
BSO11	Unauthorized use of school electronic or other equipment	PK–12	Levels 1, 2, 3	No
BSO12	Violation of the Acceptable Use of Technology/Internet Policy	PK–12	Levels 1, 2, 3	No
BSC11	Fire Alarm: Falsely activating a fire or other disaster alarm	PK–5	Levels 1, 2, 3	Yes
BSC11	Fire Alarm: Falsely activating a fire or other disaster alarm	6–12	Levels 1, 2, 3, 4	Yes
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	PK–12	Levels 1, 2, 3	No
BSO9	Possessing items that are inappropriate for school (examples include toys, literature, electronics)	PK–12	Levels 1, 2, 3	No
RB6	Speaking to another in an uncivil, discourteous manner	PK–12	Levels 1, 2, 3	No
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	PK–12	Levels 1, 2, 3	No
RB10	Failure to respond to questions or requests by staff	PK–12	Levels 1, 2, 3	No
RB11	Unwanted or inappropriate physical contact	PK–12	Levels 1, 2, 3	No
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	PK–12	Levels 1, 2, 3	No
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	PK–5	Levels 1, 2, 3, 4	No
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	6–12	Levels 2, 3, 4, 5	No
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	PK–5	Levels 1, 2	No
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	6–12	Levels 1, 2, 3	No
BSC17	Shoving, pushing, striking, biting another student with no visible injury	K–12	Levels 1, 2, 3	No

Dress Code

Student dress code policies are implemented to foster a safe, focused, and respectful learning environment. They aim to minimize safety hazards and distractions and encourage positive self-esteem. Additionally, dress codes introduce the concept of appropriate attire for different settings, preparing students for future professional environments and maintaining the decorum expected in an academic setting.

To help maintain a safe, respectful, and inclusive learning environment, all students are expected to follow the dress code guidelines outlined below. These expectations are designed to support student well-being and promote a positive school climate.

The standards of dress in the schools are as follows:

- Clothing must cover all undergarments, midriffs, cleavage, back and private areas. Additionally, sheer and/or see through clothing that exposes these areas is prohibited.
- Students must not wear head coverings of any kind or sunglasses during the school day. However, exceptions will be made for head coverings that are worn due to 1) religious reasons, 2) medical conditions, 3) safety needs, or 4) connected with a school-sponsored program, activity or event.
- Clothing must not include:
  - Profanity or obscene content
  - Hate speech
  - Images or language promoting or depicting:
    - Illegal activity
    - Violence
    - Drugs, drug paraphernalia, alcohol, tobacco, marijuana or other controlled substances
    - Lewd or inappropriate behavior
    - Gang-related affiliation
- Schools may require specific dress for certain instructional activities including, but not limited to, career and technical education courses, driver training, science laboratories and physical education.
- Pants or slacks must be worn at the waist to prevent the exposure of undergarments.
- Skirts and shorts must be at least fist-length (fist-length varies by student). Holes and shredding must be located below fist-length (fist length varies by student) on skirts, shorts and pants.
- Tops must have straps that are at least one inch in width.
- Footwear must be worn at all times for safety reasons.
- Pajamas or sleepwear are only allowed when approved by the principal for spirit days. "Pajamas or sleepwear" is defined as loose-fitting night clothes typically worn for sleeping. These articles often include cartoon or TV/movie characters, teddy bears, hearts, buffalo plaid, etc.

Exceptions and Enforcement:

- The school principal may allow exceptions to the dress code for purposes including, but not limited to, "school spirit day," other like celebrations, or for special circumstances as deemed appropriate. The school principal may prohibit any item of dress deemed to be disruptive to the educational environment.
- Dress code enforcement must be handled respectfully:
  - A school employee shall not enforce the dress code by having direct physical contact with the student or the student's attire.
  - A school employee shall not require a student to undress in front of any other individual, including the enforcing school employee, to comply with the dress code.
  - Asking a student to remove head coverings and accessories is allowed and is not considered undressing.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSO7	Dress Code Violation	PK–12	Levels 1, 2	No

Drugs, Drug Paraphernalia, Unauthorized Medication, Alcohol, Marijuana, Tobacco, or Nicotine Vapor Products

Disciplinary measures have been designed in an effort to eliminate the sale and use of drugs during school hours and school activities. The use, possession, sale and/or distribution of unauthorized legal drugs, illegal drugs, drug paraphernalia, unauthorized medication, alcohol, marijuana, tobacco, and nicotine vapor products is prohibited on school property, school bus stops, during the times school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity, or at a school-sponsored activity.

1. **Use or Possession and Sale or Distribution of Unauthorized Legal Drugs (PK–12)**

   No student shall use, possess, sell, or distribute, transmit, or be under the influence of any unauthorized legal drugs prior to arriving at school or while on school property, at school-sponsored activities, or under the legal jurisdiction of the school division. The consequences for violations of this policy are as follows:

   - The first offense may result in the student being suspended. The number of days will be left to the discretion of the administrator. The student may be referred to the Superintendent or Superintendent's designee for a conference with parent/legal guardian and student.
   - The second offense shall result in an immediate suspension and referral to the Superintendent or Superintendent's designee. The Superintendent or Superintendent's designee may recommend long-term suspension or expulsion to the School Board.

2. **Use or Possession and Sale or Distribution of Controlled or Imitation Controlled Drugs, Including Anabolic Steroids (Grades PK–12)**

   No student shall possess, use, sell or distribute, transmit, or be under the influence of any drug, alcoholic beverage, anabolic steroid, other intoxicant, or substance in any form whatsoever prior to arriving at school or while on school property, at school-sponsored activities, or under the legal jurisdiction of the school division. For reasonable cause, a student may be required to take an alcohol or drug screening at the request of school authorities.

   The possession, sale, distribution, or use of a controlled substance, imitation controlled substance or any mood-altering chemicals, including inhalants on school property or at school-sponsored activities is prohibited. A violation shall result in enrollment in a student-assistance program or immediate suspension and referral to the Superintendent or Superintendent's designee. A student who is determined in accordance with the procedures set forth in the Virginia Code § 22.1-277 to have had in his/her possession, sold, distributed, or used a controlled substance, imitation controlled substance, or any mood-altering chemicals, including inhalants, on school property or at school-sponsored activities shall be expelled from school attendance for a period of not less than one year (365 calendar days). The School Board authorizes through this regulation 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. If a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action shall be taken in accordance with procedures set forth in the Virginia Code § 22.1-277.08. Enrollment in a drug treatment program or an alternative education program may be required.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC4	Drugs: Violating School Board non-prescription (over the counter) medication policy or look-alike drug policy	PK–12	Levels 3, 4, 5	Yes*
BESO5	Drugs: Possessing controlled substances, illegal drugs, inhalants, or synthetic hallucinogens or unauthorized prescription medications	PK–12	Levels 3, 4, 5	Yes
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications	PK–12	Levels 3, 4, 5	Yes
PD16	Drugs: Illegal possession of controlled drugs and substances with intent to distribute or sell	PK–12	Level 5	Yes

*Report if offense includes imitation controlled substances

3. **Drug Paraphernalia (Grades PK–12)**

   No student shall sell, use, or possess drug paraphernalia while on school property, at school-sponsored activities, or under the legal jurisdiction of the school. The consequences for violations of this policy are as follows:

   - The paraphernalia will be confiscated and parents/legal guardians will be notified. The student may be suspended, with the number of days left to the discretion of the administrator.
   - If a second offense occurs, the student will be suspended and may be referred to the Superintendent or Superintendent's designee for further disciplinary action.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC3	Drugs: Possessing drug paraphernalia	PK–12	Levels 1, 2, 3	No

4. **Alcohol and Marijuana (Grades PK–12)**

   A student shall not possess, use, transmit, or be under the influence of any alcoholic beverage or intoxicant of any kind prior to arriving at school, while on school property, at school-sponsored activities, or under the legal jurisdiction of the school division. Any student guilty may be suspended. Enrollment in a student-assistance program may be recommended. A second offense will result in a recommendation to the Hearing Officer for a long-term suspension or a recommendation to the School Board for expulsion from school. For reasonable cause, a student may be required to take an alcohol or drug screening at the request of school authorities.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO5	Drugs: Possessing controlled substances, illegal drugs inhalants, or synthetic hallucinogens or unauthorized prescription medications	PK–12	Levels 3, 4, 5	Yes
BESO6	Drugs: Being under the influence of controlled substances, illegal drugs, inhalants, or synthetic hallucinogens or unauthorized prescription medications	PK–12	Levels 3, 4, 5	Yes

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications	PK–12	Levels 3, 4, 5	Yes
PD16	Drugs: Illegal possession of controlled drugs and substances with intent to distribute or sell	PK–12	Level 5	Yes
BSC1	Alcohol: Possessing or using alcohol	PK–12	Levels 1, 2, 3	Yes
BSC2	Alcohol: Distributing alcohol to other students	PK–12	Levels 1, 2, 3, 4	Yes

5. **Tobacco and Nicotine Vapor Products (Grades PK–5)**

   Students shall not possess, distribute, sell, or use any form of tobacco or nicotine vapor products, matches, lighters, or other electronic smoking devices while on school property, at school-sponsored activities, or under the legal jurisdiction of the school division. The consequences for violations of this policy are as follows:

   - The first offense shall result in the parent/legal guardian being notified and the student being counseled by school personnel.
   - The penalty for the second offense shall be a one-day in-school assistance, in-school exclusion or a one-day suspension.
   - Students who violate the regulation for a third time shall receive a two-day in-school assistance, in-school exclusion or a two-day suspension.
   - Subsequent violations may result in referral to the Superintendent or Superintendent's designee for disciplinary action that may include long-term suspension or expulsion.
   - In addition to any other consequences that may result, all tobacco products, nicotine vapor products, or other electronic smoking devices, when found, will be confiscated and parent/legal guardian will be notified.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC5	Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia, electronic cigarettes, vaping equipment	PK–5	Levels 2, 3	No

6. **Tobacco and Nicotine Vapor Products (Grades 6–12)**

   Students shall not possess, distribute or use any form of tobacco or nicotine vapor products while on school property, at school-sponsored activities, or under the legal jurisdiction of the school division. The consequences for violations of this policy are as follows:

   - The first offense shall result in a one-day in-school assistance, in-school exclusion or one-day suspension.
   - The penalty for the second offense shall be a two-day in-school assistance, in-school exclusion or a two-day suspension.
   - The third offense shall result in a three-day in-school assistance, in-school exclusion or a three-day suspension.
   - Subsequent violations may result in a referral to the Hearing Officer or designee for action that may be long-term suspension or expulsion.

- In addition to any other consequences that may result, all tobacco products, nicotine vapor products, or other electronic smoking devices, when found, will be confiscated and the parent/legal guardian will be notified.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC5	Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia, electronic cigarettes, vaping equipment	6–12	Levels 2, 3	No

Fighting

Engaging in a fight or altercation that involves physical violence and/or verbal abuse, regardless of which participant is the aggressor, is prohibited. Encouraging others to fight, instigating a fight, and/or cheering on a fight is also prohibited.

1. **Fighting (Grades PK–5)**

   Following a student's first fight, a letter of warning or suspension shall be sent to the student's parent/legal guardian. If the student is involved in another fight, the student may be placed in in-school assistance or suspended. The disciplining administrator shall have discretion in deciding whether a fight occurred and in determining the length of the suspension. If it is needed, a teacher or school official may use force to stop fighting or to prevent injury or damage to other people or property. When this occurs, any student who interferes shall be disciplined by school officials.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	PK–5	Levels 1, 2, 3	No
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	PK–5	Levels 2, 3, 4	No
BSC14	Fighting that results in no injury as determined by the school administration	PK–5	Levels 1, 2, 3	No
BSC17	Shoving, pushing, striking, biting another student with no visible injury	PK–5	Levels 1, 2, 3	No
BESO1	Assault: Intending to cause physical injury to another person	PK–5	Levels 1, 2, 3	Yes
BESO2	Assault and Battery: Causing physical injury to another person	PK–5	Levels 3, 4, 5	Yes
PD9	Malicious wounding without a weapon	PK–5	Level 5	Yes

2. **Fighting (Grades 6–12)**

   Students who fight will be suspended. The principal shall be responsible for deciding what actions constitute a fight and shall determine the length of suspension when a fight occurs. A teacher or school official may use physical force if it is needed to stop a fight or prevent injury or damage. Students who interfere or attempt to keep a teacher or administrator from fulfilling this responsibility shall be suspended. When a second offense occurs during the same school year, the student may be referred to the Superintendent or Superintendent's

designee, for a possible long-term suspension. A recommendation may be made to the School Board for expulsion for students with multiple fights during the same school year or for those whose fights involved gangs, weapons or severe injuries.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	6–12	Levels 1, 2, 3	No
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	6–12	Levels 2, 3, 4, 5	No
BSC14	Fighting that results in no injury as determined by the school administration	6–12	Levels 1, 2, 3, 4	No
BSC17	Shoving, pushing, striking, biting another student with no visible injury	6–12	Levels 1, 2, 3	No
BESO1	Assault: Intending to cause physical injury to another person	6–12	Levels 1, 2, 3	Yes
BESO2	Assault and Battery: Causing physical injury to another person	6–12	Levels 3, 4, 5	Yes
PD9	Malicious wounding without a weapon	6–12	Level 5	Yes

3. Self Defense

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.

A student claiming self-defense must:

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

Gambling

A student shall not bet money or other things of value, or knowingly play or participate in any game involving a bet while on school property, on school buses, or during any school-sponsored activity.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSO8	Gambling (games of chance for money or profit)	PK–12	Levels 1, 2, 3	No

Gang-related Activity

Students shall not engage in gang activity on school grounds, on school buses or at any school-sponsored activity. In addition, students shall not engage in gang activity using the school division's computer system at any time.

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 person or property
- Disruption of the school environment

- 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 omission, or using any speech, either verbal or nonverbal (such as gestures or handshakes) showing membership or affiliation in a gang;
- Using any speech or committing any act or omission 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.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	PK–12	Levels 1, 2, 3	
BESO10	Gang-related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in Virginia Code §18.2-46.1	PK–12	Levels 1, 2, 3, 4	

Harassment/Sexual Harassment

Repeatedly annoying or attacking a student, group of students, or personnel (including through electronic means), which creates an intimidating or hostile educational or work environment is prohibited and will not be tolerated. Any complaint of harassment or sexual harassment should be reported as required by FCPS Policy 429P, Students—Prohibition Against Harassment and Retalation and FCPS 506P, Personnel—Prohibition Against Harassment and Retalation. See FCPS Policy 429P, Students—Prohibition Against Harassment and Retalation and FCPS 506P, Personnel—Prohibition Against Harassment and Retalation for the processes of reporting, investigating, and resolving complaints of harassment/sexual harassment.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB3	Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronic means	PK–5	Levels 1, 2	No
RB3	Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronic means	6–12	Levels 1, 2, 3	No
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendoes, propositions, or other remarks of a sexual nature	PK–12	Levels 1, 2, 3	No
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	PK–5	Levels 1, 2	No

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	6–12	Levels 1, 2, 3	No
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	PK–12	Levels 1, 2, 3	No
RB9	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	PK–12	Levels 1, 2, 3	No
BSC8	Harassment: Repeatedly annoying or attacking a student or group of students or personnel creating an intimidating or hostile educational or work environment	PK–5	Levels 1, 2, 3	No
BSC8	Harassment: Repeatedly annoying or attacking a student or group of students or personnel creating an intimidating or hostile educational or work environment	6–12	Levels 1, 2, 3, 4	No
BSC18	Exposing body parts, lewd or indecent public behavior	PK–5	Levels 1, 2	No
BSC18	Exposing body parts, lewd or indecent public behavior	6–12	Levels 1, 2, 3, 4	No
BSC19	Physical contact of a sexual nature—patting body parts, pinching, tugging clothing	PK–5	Levels 1, 2, 3	No
BSC19	Physical contact of a sexual nature—patting body parts, pinching, tugging clothing	6–12	Levels 1, 2, 3, 4	No

Hazing

Students shall not engage in hazing. Hazing is defined as recklessly or intentionally endangering the health or safety of a student or students or inflicting 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. The principal of any school at which hazing occurs that causes bodily injury shall report the hazing to the Commonwealth's Attorney.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO11	Hazing as defined in Virginia Code §18.2-56 and noted in Virginia Code § 22.1-279.6	PK–12	Level 5	Yes

Reporting Requirement—Crimes in the Community

Pursuant to Virginia Code § 16.1-260(G), law enforcement or the Court Services Unit will notify the Superintendent or Superintendent's designee when a student has been charged with any offense relating to the Commonwealth's laws. The Superintendent or Superintendent's designee may impose a disciplinary sanction pursuant to Virginia Code 22.1-277.2:1.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO18	A crime in the community where the student was charged with an offense relating to the Commonwealth's laws, required to be disclosed to the Superintendent or Superintendent's designee of the school division pursuant to Virginia Code § 16.1-260(G)	PK–12	N/A	Law enforcement informs school division

Stalking

Students are prohibited from 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.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC21	Stalking as described in Virginia Code § 18.2-60.3	PK–5	Levels 2, 3, 4, 5	Yes
BSC21	Stalking as described in Virginia Code § 18.2-60.3	6–12	Levels 3, 4, 5	Yes
PD8	Kidnapping/Abduction	PK–12	Level 5	Yes

Threats Against Students and Staff

Students are prohibited from 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.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO12	Threatening, intimidating, or instigating violence, injury or harm to a staff member or members	PK–12	Levels 1, 2, 3, 4	Yes*
BESO13	Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s) (not including written threats)	PK–12	Levels 1, 2, 3, 4	Yes
BESO14	Threatening, intimidation, or instigating violence, injury or harm to another student(s) or other(s) in writing	PK–12	Levels 1, 2, 3, 4	Yes
BESO17	Bomb threat—Making a bomb threat	PK–12	Levels 1, 2, 3, 4	Yes

*Report if the threat is a written threat. However, if the written threat is made by a student with a disability, the Director/Assistant Director of Special Instructional Services must be called to discuss whether or not to report.

Trespassing

Students are prohibited from entering or remaining on a public school property 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 property or School Board facility after being directed to leave is forbidden.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC25	Trespassing	PK–5	Levels 2, 3	No
BSC25	Trespassing	6–12	Levels 2, 3	Yes

Unauthorized Possession or Use of Portable Communication Device or Portable Communication Device Accessory

Students shall only use portable communication devices and portable communication device accessories, as defined by FCPS Regulation 219R, Administration—Portable Communication Devices, on school property as follows:

1. Elementary School (Grades PK–5) students, Middle School (Grades 6–8) students, Northwestern Regional Educational Programs students and Dowell J. Howard Center students:
   a. All portable communication devices must be silenced and put away during the school day.
   b. A portable communication device accessory may only be used by a student during the school day as permitted by the student's teacher and only with a school division owned electronic device (e.g. Chromebook).
2. High School (Grades 9–12) students:
   a. All portable communication devices must be silenced and put away during the school day, including lunch and class exchanges.
   b. A portable communication device accessory may only be used by a student during the school day as permitted by the student's teacher and only with a school division owned electronic device (e.g. Chromebook).
3. All Students:
   a. **Strict Prohibitions:** Portable communication devices are strictly prohibited in the following areas:
      i. Restrooms
      ii. Locker rooms
   b. **School Bus:** Students may use portable communication devices and portable communication device accessories while on the school bus as long as 1) the student's use does not create a safety hazard and 2) it is not causing a major distraction.
   c. **Extracurricular Activities:** Students may use portable communication devices and portable communication device accessories during extracurricular activities as permitted by the teacher/leader/coach.
4. Exceptions: The above ***must*** not apply to the following students:
   a. A student with a medical reason that has been documented in writing by a medical provider.
   b. A student with an IEP, 504 Plan, other special education service, Individualized Health Care Plan, or Limited English Proficiency Plan that requires the student to have access to a portable communication device or portable communication device accessory contrary to these regulations.
   c. A student who has been given written authorization from the student's school administrator.

Students shall adhere to the following while using portable communication devices and portable communication device accessories on school property and during school activities:

1. Students shall comply with the School Board's Acceptable Computer System Use regulation (See FCPS Regulation 323R, Instruction—Acceptable Computer System Use).
2. Students may not use the device for unlawful or other prohibited purposes while on school property, under school control or attending any school-sponsored activity. Any violation shall result in appropriate disciplinary and/or legal action as specified in School Board policy/regulation as well as by local, state and federal law. The illegal use of such devices may result in referral to law enforcement authorities.
3. Students shall comply with all other applicable School Board policies and regulations including, but not limited to, bullying, cheating, discrimination, harassment, or unauthorized sharing of assignments or information on assignments.
4. Students may not contact their parent/legal guardian or others to come to school and pick them up during the school day unless approved by a school administrator.
5. An administrator or an administrator's designee reserves the right to monitor, inspect, copy, and review a student's portable communication devices and portable communication device accessories brought onto school property when the administrator or administrator's designee has a reasonable suspicion that the student has violated a school division policy or regulation.
   a. When necessary, an administrator or an administrator's designee may request a law enforcement officer (e.g. School Resource Officer) to inspect and review a student's portable communication devices and portable communication device accessories.

No student will be suspended or expelled solely for the unauthorized use or possession of a portable communication device or portable communication device accessory.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSO13	Violation of School Board policy regarding the possession or use of portable communication devices	PK–12	Levels 1, 2, 3	No

Vandalism or Other Damage to School or Personal Property

Vandalism and/or damage to school or personal property is prohibited.

Pursuant to Virginia Code § 18.2-137, vandalism is the unlawful or intentional destruction, defacing, damaging or removing 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. See Virginia Code § 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 network configurations, and/or installation of unauthorized software, including viruses.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSO10	Possession of stolen items	PK–12	Levels 1, 2, 3	No
BSO14	Vandalism, graffiti or other damage to school or personal property	PK–12	Levels 1, 2, 3	No

Weapons

Students shall not possess, use, manufacture, sell, or purchase any weapon, dangerous instrument, or an unauthorized look-alike that could be used as a weapon while on school property, on school vehicles, or during school-sponsored activities on or off school property. Violation may result in out-of-school suspension, referral to the Superintendent or Superintendent's designee, or referral to the School Board with a recommendation for expulsion. Prohibited weapons include but are not limited to the following:

- Any pistol, shotgun, stun gun, revolver, or other firearm listed in Virginia Code § 22.1-277.07 (E), designed or intended to propel a projectile of any kind, including a rifle
- Unloaded firearms in closed containers
- Any air rifle or BB gun
- Toy guns and look-alike guns
- Any dirk, bowie knife, switchblade or stiletto knife, ballistic knife, machete, knife or razor
- Slingshots or slingbows
- Spring sticks
- Brass or metal knuckles, blackjacks
- Any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain
- Any disc, or whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart
- Explosives
- OC Spray (Oleoresin Capsicum) ie. Pepper spray, Mace, etc.
- Destructive devices as defined in § 22.1-277.07 (E), of the Code of Virginia, or other dangerous articles

Any student who has brought a firearm on school property, school buses, or to a school-sponsored activity may be expelled from school attendance for a period of not less than one year (365 calendar days). School staff members, students, parents/legal guardians, and others with knowledge shall report to the principal of the school or his/her designee all information related to suspected violations of the policy related to weapons in school. The principal shall report any violation of this policy to the Superintendent or Superintendent's designee and to local law enforcement. Another disciplinary action or term of exclusion may be taken by the School Board following an examination of the particular facts of a violation of this policy.

Students shall not possess, sell, or purchase any ammunition or other explosive device while on school property, in school vehicles, or during school-sponsored activities on or off school property. Violation may result in out-of-school suspension, referral to the Superintendent or Superintendent's designee, or referral to the School Board with a recommendation for expulsion.

This section shall not apply to any weapons or look-alike weapons that are 1) used as part of the school curriculum and 2) used by a student as directed by a teacher/instructor.

See Virginia Code § 18.2-308.1 and the federal Gun Free Schools Act (Title IV, Part A, Subpart 3, Section 414).

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BESO15	Using an object *not* generally considered to be a weapon to threaten or attempt to injure school personnel	PK–12	Levels 1, 2, 3, 4	No
BESO16	Using an object *not* generally considered to be a weapon to threaten or attempt to injure students or others	PK–12	Levels 1, 2, 3, 4	No

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC26	Possessing dangerous instruments/ substances that could be used to inflict harm upon another	PK–12	Levels 1, 2, 3	No
BSC27	Weapons: Possessing any weapon (other than a firearm) as defined by Virginia Code § 18.2-308.1	PK–12	Levels 4, 5	Yes*
PD1	Homicide—Firearm	PK–12	Level 5	Yes
PD2	Homicide—Other weapon	PK–12	Level 5	Yes
PD5	Use of a bomb	PK–12	Level 5	Yes
PD6	Assault with firearm or weapon	PK–12	Level 5	Yes
PD11	Illegal possession of handgun	PK–12	Level 5	Yes
PD12	Illegal possession of rifle or shotgun	PK–12	Level 5	Yes
PD13	Illegal possession of any other projectile weapon	PK–12	Level 5	Yes
PD14	Illegal possession of a bomb	PK–12	Level 5	Yes
PD15	Illegal Possession of Other Firearms: firebombs, explosive materials or devices, hoax explosive devices per VA Code § 18.2-85, or explosive incendiary devices, as defined in VA Code § 18.2-433.1, or chemical bombs per VA Code § 18.2-87.1	PK–12	Level 5	Yes

*For any offense involving possession of a weapon (defined by state code) a call to both Student Support Services and the Hearing Officer must be made in order to determine if it should be reported to law enforcement.

Safe Harbor Provision—When a student accidentally or inadvertently brings a weapon, excluding a firearm, onto school property or to a school-sponsored activity, such action will not be considered a violation of the *Code of Student Conduct* if the student 1) immediately reports the weapon to a teacher or administrator and 2) before it is discovered or seen by school staff or another student.

Transportation Behavior Expectations

While waiting for a bus, while on a bus, or after being discharged from a bus students shall not behave in a disruptive or unsafe manner. Students shall obey and behave in a respectful manner to the authority and directions of the driver and other bus personnel. Additionally, students shall not commit any behavior that is a violation of the FCPS *Code of Student Conduct*.

Drivers shall ensure that students observe rules and regulations at all times. A driver may temporarily issue disciplinary outcomes (e.g., change seating and verbal reminders, assigned seats, etc.) for disciplinary purposes in response to student safety concerns. Drivers shall submit disciplinary referrals to principals for students who break bus rules and regulations and/or violate the FCPS *Code of Student Conduct* while waiting for the bus, while on the bus, or after being discharged from the bus. Upon receiving a disciplinary referral, the principal or principal's designee will discuss the problem with the student as indicated on the referral and complete an investigation as needed. If it is determined that a student is guilty of misconduct, the principal will take corrective action as he/she may deem appropriate and in accordance with the FCPS *Code of Student Conduct*. Prohibited conduct that occurs while waiting for the bus, while on the bus, or after being discharged from the bus will be addressed in a manner consistent with how the conduct would be addressed if the behavior had occurred within the school building or while at a school-sponsored activity/event. Disciplinary actions for violations of this section can include all disciplinary penalties listed herein.

During a period of bus suspension, FCPS shall not be responsible for transporting the pupil to school. The student's parent/legal guardian must make arrangements for the student to be transported to and from school. Teacher workdays, weekends, holidays, or other days that schools are closed for students will not count in the days suspended from the bus.

A driver may not remove a child from the bus or refuse transportation to a child on a bus without proper authorization by the principal, except in cases in which the safety of pupils is jeopardized. The principal shall be notified of such extreme cases immediately.

Video cameras and audio recorders may be in use on school buses.

B.U.S. Expectations for Positive Behavior

Be Responsible

Be on Time

- Please be at the bus stop at least ten minutes before your scheduled pick up time.
- The bus driver can only pick up students who are physically at the bus stop.
- If you are not at the bus stop, the bus driver 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.
- 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 trashcan at the front of the bus.

Use Respect

Be respectful 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.

- Use of personal electronic devices on a school bus is a privilege that may be taken away indefinitely.
- Keep your personal device to yourself
- Please refrain from sharing photo and video content on the bus

  *The school division is not responsible for safeguarding personal electronic devices.

Stay Safe

Stay in your seat.

- Sit in the seat assigned to you 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 your 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.

Principals, principal's designee, and drivers are not limited to these four offense codes. Additional behaviors that occur on the bus, such as fighting, not following directions, profane language, possession of substances, etc. will be coded as such after discussion/investigation with administration.

SBAR Code	Offenses	Grade	Response Level(s)	Mandatory Report to Law Enforcement
BSC9	Bus: Distracting the bus driver	PK–5	Levels 1, 2	No
BSC9	Bus: Distracting the bus driver	6–12	Levels 1, 2, 3	No
BSC10	Bus: Endangering the safety of others on the bus	PK–5	Levels 1, 2	No
BSC10	Bus: Endangering the safety of others on the bus	6–12	Levels 1, 2, 3	No

Detention, Class Restrictions and In-school Assistance Appeals

Detentions or Class Restriction

- A dean, assistant principal or principal may assign a student to lunch detention, after-school detention, or class restriction by issuing a referral form to the student.
- If issued by an assistant principal or a dean, a parent/legal guardian may submit a written notice of appeal to the principal within seven days.
- The principal will review the appeal request and will either uphold the detention/class restriction or remove the detention from the student's scholastic record. The principal's decision is final.
- If the principal issues the lunch detention, after-school detention, or class restriction, the principal's decision is final.

In-school Assistance (ISA)

- A dean, assistant principal or principal may assign a student to an ISA by issuing a letter to the student and parent/legal guardian.

- If a letter is issued by an assistant principal, a parent/legal guardian may submit a written notice of appeal to the principal within seven days.
- The principal will review the appeal request and will either uphold the ISA or remove the ISA from the student's scholastic record. The principal's decision is final.
- If the principal issues the ISA, the principal's decision is final.

Alternative Education Placement

When a student is charged with a crime in the community, the student may be reassigned to an alternative education placement pursuant to Virginia Code § 22.1-277.2:1. The student will receive a written notification of the Hearing Officer's decision regarding the reassignment. The written notification will include the reassignment, the reason for said reassignment, and the right to a hearing before the Hearing Officer to discuss the reassignment. The Hearing Officer will hold a hearing and will issue a written decision within five business days of the hearing.

Appeal Process: In any case in which a student has been reassigned to an alternative education placement pursuant to Virginia Code § 221.277.2:1 by the Hearing Officer, the student and his/her parent/legal guardian may appeal the Hearing Officer's decision to the School Board's Student Conduct and Support Committee ("Committee") pursuant to the following process:

1. The student or the student's parent/legal guardian must file a written notice of appeal with the Hearing Officer within seven calendar days of the written decision. Failure to file a written notice of appeal within the specified time will constitute a waiver of the right to an appeal.
2. The reassignment will remain in effect during the appeal process.
3. The Committee will hold the appeal hearing within thirty (30) calendar days of receiving the written notice of appeal.
   - Prior to the hearing, the Committee may accept information (in writing or in person) not available at the time of the previous hearing(s).
4. At the appeal hearing, the Committee will either confirm, modify, or disapprove the Hearing Officer's decision.
5. The decision of the Committee, if unanimous, is final.
6. If the Committee's decision is not unanimous, the student or the student's parent/legal guardian may appeal the Committee's decision to the full School Board. A request for an appeal must be submitted in writing to the Superintendent or Superintendent's designee within seven calendar days from the Committee's decision. A failure to file a written request for an appeal within the specified time will constitute a waiver of the right to an appeal.
7. Upon receipt of a written request for an appeal, the Superintendent or Superintendent's designee will forward a copy of the record to the School Board for review. No additional statements, witnesses, or evidence may be presented at this appeal unless specifically requested by the Chair of the School Board. The School Board, Superintendent or Superintendent's designee will notify the student's parent/legal guardian of its decision to affirm, modify, or disapprove the Committee's decisionwithin 30 days of receiving the request by the parent/legal guardian to appeal the Committee's non-unanimous decision.

Suspension and Expulsion

A. Short-term Suspension

The dean, principal or the assistant principal may suspend a student for up to three or ten school days, depending on the student's grade level, using the following procedures:

1. The student shall be apprised of the nature and facts of the alleged misconduct.

2. The student shall be given an opportunity to explain the circumstances of the alleged misconduct from his/her perspective and to present witnesses on his/her behalf.
3. The student shall be informed of the conditions of the suspension, such as required conference with the parent/legal guardian prior to return, prohibition from coming on school property or to scheduled school activities, etc.
4. The dean, principal or assistant principal shall execute a letter of suspension stating the condition of the suspension and the date that the student may return to school. Copies of the letter of suspension shall be given to the student, if possible, and mailed to the student's parent/legal guardian and to the Superintendent or Superintendent's designee.
5. The parent/legal guardian shall be notified of the right to an appeal to the Superintendent or Superintendent's designee, and the procedures as set forth.

Appeal Procedures

1. **For suspensions imposed by a dean or an assistant principal**: A parent/legal guardian or adult student may submit a written notice of appeal to the principal of the school within seven calendar days of receiving the notification of suspension. The principal shall review the suspension and all evidence and render a written decision within three working days.
2. **For suspensions imposed by a principal**: The parent/legal guardian or adult student may submit a written notice of appeal to the principal within seven calendar days of receiving the principal's decision. Upon receipt of the written notice of appeal, the principal will forward the notice of appeal and all documentation to the Superintendent or Superintendent's designee. The Superintendent or Superintendent's designee shall review the information, gather additional information, as needed, and render a written decision within seven calendar days of receiving the written notice of appeal.
3. The suspension will continue, as assigned, during the appeal process. Should the suspension be modified or overturned by the Superintendent or Superintendent's designee, the student's cumulative scholastic record will be amended to reflect the Superintendent designee's decision.
4. The decision of the Superintendent or Superintendent's designee shall be final.

Emergency Suspension

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

B. Referrals to Hearing Officer for Further Disciplinary Action

When a principal refers a student to the Hearing Officer for further disciplinary action, the Hearing Officer may consider long-term suspensions, school probation, assignment to an alternative educational program or refer the student to the School Board for expulsion. When a student is referred to the Hearing Officer the following procedures must be followed:

1. A principal may refer a student to the hearing officer by providing the student and parent/legal guardian or adult student with a written suspension letter, and by referring the matter to the Hearing Officer (the Superintendent or Superintendent's designee regarding disciplinary matters) for additional consideration for further disciplinary action.
2. The written suspension letter must state the proposed action, the reason for said action, and the right to a hearing before the Hearing Officer. The written suspension letter will also contain the date and time of the hearing.
3. The Hearing Officer will hold a hearing within the first 10 business days of the student's suspension and consider the principal's recommendation, incident report, student and witness statements, comprehensive

list of interventions and supports, information provided by the parent/legal guardian, and any other relevant information.

4. The parent/legal guardian shall have the right to inspect the student's school records and provide any additional documentation or information they want the Hearing Officer to consider.
5. The Hearing Officer will issue a written decision within five business days of the hearing and send the written decision to the student and parent/legal guardian or adult student.

Appeals Procedures

1. In any case in which a student has been referred to the Hearing Officer, the student and their parent/legal guardian may appeal the Hearing Officer's decision to the School Board's Student Conduct and Support Committee ("Committee").
2. A notice of appeal must be in writing and must be filed with the Hearing Officer within seven calendar days of the Hearing Officer's written decision. Failure to file a written notice of appeal within the specified time will constitute a waiver of the right to an appeal.
3. The suspension will remain in effect during the appeal process.
4. The Committee will hold the appeal hearing within thirty (30) calendar days of receiving the written notice of appeal.
   - Prior to the hearing, the Committee may accept information (in writing or in person) not available at the time of the previous hearing(s).
5. At the appeal hearing, the Committee will either confirm or disapprove the Hearing Officer's decision.
6. The decision of the Committee, if unanimous, is final.
7. If the Committee's decision is not unanimous, the student or the student's parent/legal guardian may appeal the Committee's decision to the full School Board. A request for an appeal must be submitted in writing to the Superintendent or Superintendent's designee within seven calendar days from the Committee's decision. A failure to file a written request for an appeal within the specified time will constitute a waiver of the right to an appeal.
8. Upon receipt of a written request for an appeal, the Superintendent or Superintendent's designee, will forward a copy of the record to the School Board for review. No additional statements, witnesses, or evidence may be presented at this appeal unless specifically requested by the Chair of the School Board. The School Board, Superintendent or Superintendent's designee will notify the student's parent/legal guardian of its decision to affirm, modify, or disapprove the Committee's decision within 30 days of receiving the request by the parent/legal guardian to appeal the Committee's non-unanimous decision.
9. This appeal process does not apply when the Hearing Officer refers a student to the School Board for expulsion. Instead, the process outlined in the following section Expulsion will be followed.

C. Expulsion

Generally:

1. Expulsion means any disciplinary action imposed by the School Board or a committee thereof, as provided in School Board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.
2. Recommendations for expulsion must consider the following factors:
   - The nature and seriousness of the violation;
   - 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
- Such other matters as deemed appropriate.

However, pursuant to Virginia Code § 22.1-277.06, no decision to expel a student shall be reversed on the grounds that such factors were not considered.

Expulsion Process:

1. A student may be expelled from attendance at school after the Hearing Officer, who is the Superintendent's designee for disciplinary matters, sends a written notice to the student and their parent/legal guardian and includes the recommendation for expulsion, the reasons for the expulsion, and that a hearing will be scheduled before the committee of the School Board within 30 days.
2. The School Board Student Conduct and Support Committee ("Committee") will conduct the hearing. The hearing will be held in closed session and will adhere to the following process:.
   - Opening Statements: The Committee will hear opening statements from the Hearing Officer and the student or their parent/legal guardian or their representative (e.g. legal counsel).
   - Evidence: The Hearing Officer has the ultimate burden of proof and will present evidence first. The student will present evidence second. Witnesses may be questioned by the Committee members, the parties, or the parties' representatives. Exhibits offered by the parties may be received in evidence by the Committee and, when so received, shall be marked and made part of the record.
   - Closing Statements: The Committee will hear closing statements from the Hearing Officer and the student or their parent/legal guardian (or their representative (e.g., legal counsel).
   - Deliberations: After the presentation of evidence by the parties, the Committee will deliberate. Only Committee members, the Superintendent or Superintendent's designee, and the School Board's attorney, if requested by the Committee, may remain present during deliberations. During deliberations, the Committee may recall any witness for further questioning, during which the parties and representatives will be readmitted to the hearing.
3. The Committee 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; take the testimony of student witnesses outside the presence of the student, his/her parent/legal guardian, and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witnesses. The Committee shall be the judge of the relevancy and materiality of the evidence presented.
4. Decision of the Committee: The Committee may, by majority vote, uphold, reject, or alter the recommendation. The Committee's decision will be confirmed in writing to the student and their parent/legal guardian. The written notice shall include the following information:
   - The length of the suspension or expulsion;
   - Information concerning the availability of community-based educational, alternative education, or intervention programs during the suspension or expulsion;
   - A statement whether or not the student is eligible to return to school, to attend an appropriate alternative education program, or an adult education program upon the expiration of the suspension or expulsion;
   - If the student is ineligible to return to school or to attend an alternative education program or an adult educational program during the expulsion, a statement will be included to advise the parent/legal guardian that the student may petition the School Board for readmission one calendar year (365 days) from the date of the expulsion, and of the conditions, if any, under which readmission may be granted.
   - A statement that 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 his suspension or expulsion shall be the responsibility of the student's parent/legal guardian.

5. The decision of the Committee will be implemented immediately. If the Committee's decision is unanimous, the Committee's decision is final.

Appeal Procedures:

Only a Committee decision that was not unanimous may be appealed to the full School Board. If a parent/legal guardian, or adult student wishes to appeal such a decision, a request for an appeal must be submitted in writing to the Superintendent or Superintendent's designee within seven calendar days from the Committee's decision. A failure to file a written request for an appeal within the specified time will constitute a waiver of the right to an appeal.

Upon receipt of a written request for an appeal, the Superintendent or Superintendent's designee will forward a copy of the record to the School Board for review. No additional statements, witnesses, or evidence may be presented at this appeal unless specifically requested by the Chair of the School Board. The School Board will notify the student's parent/legal guardian of its decision to affirm, modify, or annul the imposition of an expulsion within 30 days of receiving the request by the parent/legal guardian to appeal the Committee's non-unanimous decision.

Discipling Students with Disabilities

Students with disabilities, who violate the *Code of Student Conduct*, or engage in conduct for which they may be disciplined, will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed.

Long-term Suspensions, Expulsions or Short-term Suspensions Which Constitute a Pattern are Long-term Removals and Considered a Disciplinary Change in Placement

For the purpose of removing students with disabilities from their current educational placements, a disciplinary change in placement occurs when:

- The removal is for more than 10 consecutive school days at a time; or
- Pattern analysis: there is a series of short-term removals during the school year, each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of:
  - the length of each removal,
  - the proximity of the removals to each other,
  - the total time the student is removed, and
  - the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year.
  - prior to any additional short-term removal, the pattern analysis determination is made and documented by school staff consulted during the pattern analysis.

If the disciplinary action will result in a long-term removal, the student's parent/legal guardian must be sent notice of the recommendation of discipline the same day as the decision is made for the disciplinary change in placement and must be provided with a copy of the procedural safeguards. The procedures outlined in Section IV must also be followed.

For any disciplinary change in placement, a Manifestation Determination Review (MDR) must be held and the Individualized Education Program (IEP) team must meet to determine the educational services to be provided during the long-term removal.

Short-term Suspensions

A short-term suspension is a suspension of 10 consecutive days or less at a time.

School authorities may remove a student with a disability from the student's current educational setting for 10 school days cumulative in a school year to the extent that such removals would be applied to students without disabilities and for additional short-term suspensions during the school year provided no pattern exists. Short-term suspensions which constitute a pattern will be handled through long-term removal procedures.

No MDR or IEP meeting is required for a short-term removal, although an IEP meeting may be held if needed. Educational services are provided for each day of removal after the first 10 days of removal in a school year. Students shall be allowed to access and complete graded work during and after the suspension.

Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP)

If the MDR team members determine that a manifestation exists, the IEP team must:

- Conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,
- If the student already has an FBA and a BIP in place, review and modify the BIP, as necessary to address the behavior.

If a manifestation is found, the student must return to the placement from which the student was removed. However, the school and the parent/legal guardian may agree to a change of placement through the IEP process. Nothing in this section limits the authority of the school division for the first 10 days of removal in a school year or for applicable interim alternative educational settings for weapons, drugs, and infliction of serious bodily injury.

If the MDR team members determine that there is no manifestation, then the IEP team should decide whether there is a need to conduct or review an FBA and BIP.

Educational Services While Disciplined

For the first 10 days of removal in a school year, the School Board is not required to provide educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed.

After the first 10 days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to:

- Continue to progress in the general curriculum, although in another setting, and
- Make progress toward meeting the goals set out in the student's IEP.

The determination of the educational services is made by the IEP team if the discipline constitutes a change in placement. For a short-term removal which is not a change in placement, the determination of the education services is made by school personnel in consultation with the student's special education teacher.

Manifestation Determination Review

When a disciplinary action is proposed that will result in a disciplinary change of placement, an MDR shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which consists of a local educational agency representative, the parent/legal guardian and relevant members of the IEP team.

The Manifestation Team may determine that the behavior of the student was not a manifestation of such child's disability only if the team:

- Considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parent/legal guardian; and
- Determines that:
  - the conduct in question was not caused by, or did not have a direct and substantial relationship to, the student's disability; and

– the conduct in question was not the direct result of the school division's failure to implement the IEP.

Disciplinary Action Following an MDR Determination that There Is No Manifestation

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to students without disabilities. The student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the imposition of discipline.

A parent/legal guardian may request an expedited due process hearing if the parent/legal guardian disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. During any appeal, the student will remain in the interim alternative education setting unless reversed by decision of the hearing officer; provided, however, the student may still serve the balance of any applicable 45 school day removal. The placement may also be changed through the IEP process with the consent of the parent/legal guardian.

Disciplinary Action Following MDR Determination that There Is a Manifestation

A student with a disability whose behavior is determined to be a manifestation of the student's disability may not be disciplined except to the extent a removal is otherwise permitted by law. The student may be removed to a more restrictive placement by following change in placement procedures through the IEP process. The IEP team must conduct or review an FBA and/or BIP as provided in Section III.

Interim Alternative Educational Settings for Weapons, Drugs and Infliction of Serious Bodily Injury

A student with disabilities may be removed from school, without consent of the parent/legal guardian, and assigned to an interim alternative education program for not more than 45 days when the student commits one of the following violations:

- carries or possesses a weapon at school, or on school premises, or at a school-sponsored activity under the jurisdiction of a state or local educational agency;
- knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school-sponsored activity under the jurisdiction of a state or local educational agency; or
- inflicts serious bodily injury upon another person at school, on school premises, or at a school-sponsored activity under the jurisdiction of a state or local educational agency.

The student may be assigned to an interim alternative education program even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Weapons, controlled substance and serious bodily injury have the meaning given under state regulations in 8 VAC 20-81-10.

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, an FBA, behavioral intervention services and modifications designed to address the behavior so it does not reoccur.

For the purpose of the 45 day removal, a weapon is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than three inches in length. For the

purpose of the 45 day removal, illegal drugs and controlled substances shall be defined as follows:

- Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in §202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).
- Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Placement During Appeals

During the course of any appeals, the student's placement shall be in accordance with the provisions of state and federal law unless the parent/legal guardian and the school division agree otherwise. Students with disabilities are also entitled to the due process rights available to a non-disabled student who is subject to discipline. In addition, students with disabilities are entitled to the due process procedures available under the Individuals with Disabilities Education Act, as amended, and any state procedures.

Students Not Yet Identified as Disabled

Students for whom the parent/legal guardian assert there is a disability but who have not yet been identified as disabled may be subjected to the same measures applied to students without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A school division will be found to have knowledge of the student's disability if, before the behavior that precipitated the disciplinary action occurred, one of the following occurred:

- The parent/legal guardian expressed concern in writing to supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or
- The parent/legal guardian requested an evaluation of the student for special education eligibility; or
- The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Instructional Services or to other supervisory personnel of the school division that suggests the presence of a disability.

A school division would not be found to have knowledge of a student's disability if:

- The parent/legal guardian refused to allow an evaluation of the student or refused special education services; or
- The student was evaluated and found not eligible for special education services.

If a request for an initial evaluation is made during the period a student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parent/legal guardian, then the student must be provided special education and related services, although in another setting. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities which placement can include suspension or expulsion without services.

Disciplining Certain Section 504 Students Who Violate Alcohol and Drug Policies

Students who are identified as disabled solely under Section 504 of the Rehabilitation Act, and who are currently engaging in the illegal use of drugs or alcohol, may be disciplined for violating the school division's alcohol and drug policies to the same extent as non-disabled students. The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students.

Reporting of Crimes

Nothing in these procedures prevents the reporting of a crime to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities.

Disciplining Students with Disabilities for Infliction of Serious Bodily Harm

A student with a disability may be removed without parent/legal guardian consent and assigned to an interim alternative education program by school personnel for not more than 45 school days when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school-sponsored activity under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined.

In addition, the applicable procedures of FCPS Regulation 402R-A, Students—Code of Student Conduct and Regulation and FCPS Regulation 402R-B, Students—Disciplining Students with Disabilities will be followed.

The term serious bodily injury has the same meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18 of the United States Code.

Teacher Removal of Students from Class

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

Please see FCPS Policy 431P—Teacher Removal of Students from Class for details regarding these procedures.

Additional Resources for Families:

VDOE—Student Behavior and Administrative Response Collection

VDOE—Health Education

VDOE—Substance Use and Overdose

VDOE—Suicide Prevention—988 Crisis Lifeline

VDOE—Safe and Drug Free Schools Act (SDFSCA)

VDOE—Threat Assessment in Virginia Public Schools: Models Policies, Procedures, and Guidelines

VDOE—Behavioral Health and Student Safety

VDH—Tobacco Free Living Resources

VDOE—Bullying Prevention

Vape Free VA by Quit Now Virginia

VDOE—Resource Document for Hazing Prevention

VA Board of Education—Guidelines for the Prevention of Suspension and Expulsion of Young Children: Supporting Children with Challenging Behaviors in Early Childhood Settings