

Loudoun County Public Schools

CODE OF CONDUCT STUDENT DISCIPLINE GUIDELINES 2018-2019



Safe and Supportive Learning Environments

March, 2019

Introduction

Approaching school discipline from an instructional prevention-based standpoint contributes to a positive school environment and ensures equity, fairness, and continuous improvement. Applying an instructional, prevention-based perspective to student behavior is fundamental in a multi-tiered system of support. The Student Discipline guide addresses elements important to providing a safe, supportive and effective school environment. The guide has been developed to assist school administrators with shared understandings that reflect the organizational, instructional and interpersonal expectations and experiences that set the parameters for behavior in Loudoun County Public Schools.

Role of the Principal and School Administration

The Virginia Standards of Accreditation (2000) Section 8 VAC 20-131-210. A., states that the principal "is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." Section B.2. specifies that the principal shall "ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment." Section 8 VAC 20-131-260. C.3. requires a school administration to ensure "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity."

In addition, Section D of the Code of Virginia S 22.1-279.3:1 requires that school principals report certain student conduct violations to law enforcement. The same section also states that "Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through leveled sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Providing Students Due Process - Investigation

School administrators are required to investigate thoroughly **all reports** of student misconduct. **Thorough investigations allow each participant the opportunity to tell his/her side of the story.** When conducting the investigation, the administrator has the right to talk with students without the parent being present.

The administrator conducting the investigation should:

- talk with student(s) individually,
- have the student(s) write their own account of the incident,
- make sure the student's written account is legible and dated,
- talk to the victim(s) of the incident first and have the victim(s) write an account,
- talk with witness(es) to the incident next, and have the witness(es) write an account,
- talk to the perpetrator(s) and have the perpetrator(s) write an account

Recommended Restorative Questions to ask when conducting an investigation:

For those who have harmed others: ○ What happened?

- What were you thinking about at the time?
- Who has been affected by your actions? In what ways?
- What do you think you need to do to make things right?

For those who have been harmed:

- What happened?
- How has this affected you?

- What do you think needs to happen to make things right?

Students may refuse to write a statement. If this happens, the administrator should write that the student refused and write verbatim what the student said. Once the investigation is complete, the administrator should review the information gathered and assign appropriate consequences (dispositions).

Restorative Practices is a disposition that can be selected for a discipline incident. Typically, this is an intervention for behavior and can be used in lieu of suspension days, in conjunction with suspension days and/or for re-entry after suspension days. Restorative Practices services include formal conferences and conflict circles offered by trained Restorative Facilitators. Contact Office of Student Support Services at 571-252-1012 for more information.

In determining which disciplinary interventions or consequences are most appropriate, faculty and staff are responsible for considering the following:

- the nature and seriousness of the violation
- the student's age
- the student's previous disciplinary record
- and any other relevant circumstances

Recording Data Related to Student Discipline

The Code of Virginia (§22.1-279.3:1) requires school divisions statewide to submit data annually to the Department of Education (DOE) on specific incidents of discipline, crime, and violence on school property, on a school bus, and/or at a school sponsored event. Therefore, it is necessary to follow consistent procedures when gathering and recording data related to student disciplinary actions.

The codes used for recording information on specific incidents are thoroughly explained on the following pages. Administrators should refer to these codes frequently as to determine the best course of action. Specific instructions for entering data related to student disciplinary incidents may be found in the last section of this book.

Many factors contribute to the creation of a positive learning environment, free from disruption. Students engaged in learning using best instructional practices and the relationships developed between staff members and students, are less likely to behave in an inappropriate manner. All schools will address disproportionality and improve equity in discipline within the school improvement framework. The model below will support schools with the work towards equitable opportunities and outcomes for each student.



Equity in Student Discipline

Plan: Analyze the data and identify root causes

School teams should analyze discipline data to identify patterns, determine root causes of discipline disproportionality, and guide planning and decision-making. School teams must review discipline data disaggregated by race, disability, ELL-status, and sex—at least bi-annually—to identify disparities and monitor progress toward eliminating them.

Do: Decide on a plan and implement

School teams should develop a plan to address its discipline disproportionality and inform changes in practice. Extensive research and resources exist to help districts and schools implement promising practices that promote equity in student discipline while keeping students in school.

Study: Evaluate and monitor progress

School teams should regularly review disaggregated discipline data to monitor the effectiveness of strategies and interventions, measure progress over time, and evaluate how discipline policies, procedures, and practices are impacting different groups.

Act: Adjust the plan, if necessary

School teams should review discipline data to monitor the effectiveness of an intervention or strategy, and adjust the plan if data show little or no progress. To inform this decision, school teams should consider whether additional time or support might be necessary for staff to fully implement the strategy or intervention with fidelity, or whether implementing a new or additional strategy might be necessary.

PBIS

Loudoun County Public Schools has implemented *Positive Behavioral Interventions & Supports (PBIS)*, a research and evidenced-based framework for creating a common vision of behavioral expectations through consistent language and practices among staff and students. These practices (e.g., explicit instruction of expectations, feedback systems, behavioral definitions and procedures, professional learning for students and staff, etc.) help to ensure that students miss a minimal amount of instructional time due to disciplinary consequences and support all learners across three tiers (universal, targeted, and intensive) based upon student needs. More information about PBIS may be found at the following link: <http://www.lcps.org/page/1000>

Consideration of the 5-point Intervention Model for Addressing Discipline Disproportionality (Kent McIntosh, et. al., 2014) is imperative to support equitable discipline for all students. This model includes the following components:

1. Use Effective Instruction to Reduce the Achievement Gap
2. Implement PBIS to build a foundation of prevention
3. Collect, Use, and Report Disaggregated Discipline Data
4. Develop Policies with Accountability for Disciplinary Equity
5. Teach Neutralizing Routines for Vulnerable Decision Points

Within the PBIS framework, Restorative Practices (RP) is recommended as a proactive approach to managing student misbehavior. The goals of Restorative Practices in Loudoun County Public Schools include having students take responsibility for their behaviors by addressing those they have harmed, allowing every student who is harmed to have a voice, and giving students the opportunity to learn from the process without having their education interrupted. For more information on Restorative Practices, please visit the RP SharePoint site by following this link: <https://lcpsorg.sharepoint.com/sites/Admin/DeptPS/OSS/SS/RP/SitePages/Restorative%20Practice.aspx>

However, when these interventions are not successful, school personnel are authorized to employ the disciplinary measures contained in Loudoun County Public Schools' student conduct policy to maintain appropriate behavior of students and enforce school rules. Except as authorized by this policy, all disciplinary measures shall be imposed by the principal of the school or a person designated by the principal. **The principal or designee should use discretion in selecting disciplinary measures appropriate to the offenses and the behavior records of the student.**

School personnel are expected to follow the guidelines outlined in this document to promote consistency and equitable implementation of the policies related to student discipline. The guidelines provided in this booklet will assist LCPS administrators in efficient student disciplinary procedures. These guidelines include:

- Providing due process to students through thorough investigation, thoughtful consequences, and the opportunity for appeal when appropriate,
- Adhering to §5-55 which focuses on discipline considerations for students with disabilities, when appropriate,
- Recording data related to student disciplinary incidents in a timely and accurate manner. **It is the building principal's responsibility to ensure that data is entered accurately within three days of the incident.** Data entry for a small school should be the responsibility of only one person. Data entry for a medium or large school should be assigned to individuals with clear directions or responsibilities (i.e. Assistant Principals),
- Designating the Discipline Contact for each school prior to the first principal's meeting of the school year,
- Compiling the discipline packet and tracking the disposition of the disciplinary action for all cases that are sent to the School Board for review,
- Modifying data collected through the Student Information System. It will also be the responsibility of the school to update the student's daily attendance records, as necessary, to reflect the updated disposition.

Permanent Change in Placement for Students with Disabilities

In accordance with federal regulations, “IEP Permanent Change in Placement” means that, following a disciplinary offense, the IEP team meets and determines that the child’s current placement is not the least restrictive environment and revises the placement decision reflected in the IEP. A permanent change in placement is defined as an IEP change that is intended to extend beyond the period of any disciplinary action. When a special education student becomes involved in a discipline incident that results in a permanent change in placement, this information must be reported on the DCV annual report. Upon the completion of the manifestation hearing, and the revision of the IEP, the student information system must reflect this permanent change in placement. The decision for an alternative placement, (i.e., alternative school, separate facility) as part of the permanent change is determined by the IEP team based on the individual needs of the student.

Reporting Requirements for In-School Suspension of Students with Disabilities

“In-School Suspension” involves instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes, but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision. By federal definition, an in-school suspension represents a removal from the student’s IEP determined placement, regardless of whether a student has access to the regular curriculum during the in-school suspension and regardless of whether the student receives his or her IEP services during the in-school suspension. In-school suspensions of students with disabilities that are administered as part of a Behavioral Intervention Plan (BIP) are to be reported.

- Sanction Code 01 will be used for reporting all in-school suspensions
- The disability code will still be required for students with disabilities
- An in-school suspension must be reported even if there was no reportable offense
- The number of days of the in-school suspension must be reported

Please note: A half-day, in-school suspension must be reported as one day. Any in-school suspension less than a half day does not have to be reported.

Safe Harbor

When a student discovers that he/she accidentally or inadvertently brought a weapon onto school property, the provision of “safe harbor” allows the student to immediately report this to a teacher or administrator and not receive consequences if the weapon has not yet been seen by a teacher, administrator, and school employee or by another student.

Special Circumstances

Given the facts of a particular case, special circumstances may exist indicating that disciplinary action other than suspension and/or expulsion may be appropriate and may be recommended by the principal. The principal may recommend alternate disciplinary action if a student demonstrates intent to harm himself or herself. The Superintendent or the Superintendent’s designee shall conduct a preliminary review of all cases under this policy to determine if disciplinary action other than suspension or expulsion is appropriate.

Law Enforcement Agencies/Personnel

School Resource Officer (SRO) is defined in § 9.1-101. of the Code of Virginia as “a certified law enforcement officer hired by the local law enforcement agency to provide law enforcement and security services to Virginia public elementary and secondary schools.”

SROs who are assigned to schools should operate under a Memorandum of Understanding (MOU) that outlines the roles and responsibilities of the law enforcement agency, the school division, and personnel from both. School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the school division code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law.

Roles of Law Enforcement

Law enforcement officers are not school disciplinarians.

The officer's presence does not reduce the responsibility of teachers and of administrators to enforce school rules and the school division's student code of conduct.

Classroom management rests with the teacher.

Disciplinary responses remain the responsibility of school administrators.

The focus of law enforcement involvement in conduct matters is properly centered on incidents that involve a violation of law.

Additionally, issues that do not present "real and immediate" threat of serious physical injury to a student, teacher, or other member of the school community, or are not a violation of the law, should be handled by school personnel and not by SROs, police, other law enforcement or security officers. Involving police in school discipline undermines positive school climate and student attendance and achievement. School personnel, in partnership with law enforcement and community diversion organizations, should develop positive behavioral interventions and supports to address adolescent behaviors that do not pose a serious or immediate threat to safety, including:

- Disorderly conduct;
- Trespassing;
- Loitering;
- Profanity;
- Insubordination/defiance;
- Verbal abuse and/or harassment;
- Vandalism and/or graffiti;
- Failure to wear or correctly wear school uniform or follow policies regarding clothing;
- Possession of a prohibited item that does not violate the penal law (i.e., cell phones);
- Being late, cutting class, absenteeism, or truancy;
- Fighting that does not involve a weapon or injury;
- Perceived drunkenness or intoxication;
- Possession of a tool that could be taken to be, but is not intended as a weapon, such as a nail clipper or file, small pen knife, butter knife, toy gun, or pepper spray, unless that item is being brandished as a weapon;
- and promoting or claiming of a neighborhood 123 or crew (including verbally, through graffiti, through clothing, or hand signs).

In addition, § 22.1-279.3:1.B. of the Code of Virginia requires law enforcement agencies to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult or a violation of the Drug Control Act, or an adult misdemeanor as listed in § 22.1-279.3:1.A. and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. It further requires that any school superintendent who receives notification that a juvenile has committed

an act that would be a crime if committed by an adult pursuant to subsection § 16.1-260 to report the information to the principal of the school in which the juvenile is enrolled. Requirements for law enforcement agencies to report the release status of the student and for school superintendents to inform principals were added by the 2006 General Assembly.

Required Reporting of Certain Offenses to Law Enforcement Authorities

Local school board policy must provide for notification of local law enforcement authorities in accordance with §22.1-279.3:1.D. of the Code of Virginia that requires principals to immediately report to the local law enforcement agency any act enumerated in clauses (ii) through (vii) of [§ 22.1-279.3:1.A.](#) that may constitute a criminal offense. A principal may report to the local law enforcement agency any incident described in clause (i) of subsection A. Section [§ 22.1-279.3:1.A.](#) of the Code lists offenses as follows:

- i. The assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- ii. The assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § [18.2-60.3](#), on a school bus, on school property, or at a school-sponsored activity;
- iii. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school sponsored activity, including the theft or attempted theft of student prescription medications;
- iv. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
- v. The illegal carrying of a firearm, as defined in § [22.1-277.07](#), onto school property;
- vi. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § [18.2-85](#), or explosive or incendiary devices, as defined in § [18.2-433.1](#), or chemical bombs, as described in § [18.2-87.1](#), on a school bus, on school property, or at a school-sponsored activity;
- vii. Any threats or false threats to bomb, as described in § [18.2-83](#), made against school personnel or involving school property or school buses; or viii. The arrest of any student for an incident occurring on a school bus, on school property, or at a school sponsored activity, including the charge therefor.

Code Requirements for Drug and Weapons Offenses: Section §[22.1-277.07](#) of the Code of Virginia, permits, but does not require, the expulsion of any student determined to possess a firearm, destruction device, a firearm muffler or firearm silencer, or a pneumatic gun on school property or at a school sponsored activity.

Section §[22.1-277.08](#)/of the Code of Virginia, permits, but does not require, the expulsion of students who bring a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored event. In addition, in the cases of weapons or drugs, school administrators, pursuant to school board policy, and school boards may consider factors listed in §22.1-277.06 in determining special circumstances and may conclude that no disciplinary action or a disciplinary action other than expulsion is appropriate. This requirement has been removed from the edit checks and crosswalk. For further reference see the Student Code of Conduct Policy Guidelines found at http://www.doe.virginia.gov/boe/guidance/safety/student_conduct.pdf).

Code	2018-2019 Discipline Codes <i>Codes in red are used to identify persistently dangerous schools.</i>	Victim Count Required	Notify Police/SRO
Alcohol			
AC1	Alcohol Use		√
AC2	Alcohol Possession		√
AC3	Alcohol Sale or Distribution		√
Arson			
AS1	Arson Actual		
AS2	Arson Attempted		
AS3	Lighted firecracker, cherry bombs, stink bombs that contribute to a damaging fire.		
Assault/Battery			
BA1	Assault/Battery With Firearm or Other Weapon Against Staff	√	√
BA2	Assault/Battery Without Use of Firearm or Other Weapon Against Staff	√	√
BA3	Assault/Battery With Firearm or Other Weapon Against Student	√	√
BA4	Assault/Battery Without Use of Firearm or Other Weapon Against Student	√	√
BA5	Malicious Wounding Without Weapon	√	√
BA6	Assault/Battery Without Injury	√	
Bomb Threat/Terrorist/Chemical/Biological			
BO1	Bomb Threat		√
BO2	Chemical/Biological Threat		√
BO3	Terrorist Threat		√
BO4	Setting Off False Fire Alarm – Intentional		
Breaking & Entering/Burglary			
BK1	Burglary/Actual		
BK2	Burglary/Attempted		
Bullying			
BU1	Bullying	√	

BU2	Cyber Bullying	√	
Disorderly Conduct			
D1C	Disrespect (Walking Away)		
D2C	Defiance (Refusing Request)		
D3C	Disruptive Demonstrations		
D4C	Possession of Obscene/Disruptive Literature		
D5C	Classroom or Campus Disruption		
D6C	Obscene or Inappropriate Language or Gestures		
D8C	Minor Insubordination		
Drug Violations - Inhalants/Look-Alikes/Use/Possession			
D15	Possession of Inhalants		
D16	Use of Inhalants		
D17	Look-Alike Drugs		√
Use/Possession Schedule I & II Drugs			
DG1	Schedule I & II Drug Use		√
DG2	Schedule I & II Drug Possession		√
DG5	Synthetic Marijuana – Use or Possession		√
DG7	Marijuana Use		√
DG8	Marijuana Possession		√
D20	Anabolic Steroid Use and Possession		√

Code	2018-2019 Discipline Codes <i>Codes in red are used to identify persistently dangerous schools.</i>	Victim Count Required	Notify Police/SRO
Sale/Distribution of Schedule I, II, III & IV Drugs			
DG3	<i>Schedule I & II Drug Sale/Distribution</i>		√
DG6	<i>Synthetic Marijuana – Distribution or Sale</i>		√
DG9	<i>Marijuana Sale/Distribution</i>		√
D19	<i>Anabolic Steroid Sale/Distribution</i>		√
D10	Other Drug Use/Overdose		√

D11	Other Drug Possession/Paraphernalia Possession		√
D12	Other Drug Sale/Distribution		√
Prescription Drugs/Over-the-Counter Medicine			
DR3	Theft/Attempted Theft of Prescription Drugs		√
D4G	Over-the-Counter Medicine/Use		
D5G	Over-the-Counter Medicine/Possession		
D6G	Over-the-Counter Medicine/Sale/Distribution		
Extortion			
ET1	Extortion	√	
ET2	Attempted Extortion	√	
Fighting/Conflict			
FA2	Mutual participation in a fight with no or minor injuries. Use this code if two or more students are involved in a fight and are receiving the same consequence.		√
F1T	Fighting/Altercation – Tussle/physical aggression with no injury. Use this code if only one student is receiving a sanction or consequence.		
GA1	Gang Activity		
HR1	Harassment, Non-Sexual (Physical, Verbal or Psychological)	√	
Homicide			
HO1	Homicide Against Staff With Firearm	√	√
HO2	Homicide Against Student With Firearm	√	√
HO3	Homicide Against Staff With Other Weapon	√	√
HO4	Homicide Against Student With Other Weapon	√	√
Inciting a Riot			
RG1	Inciting a Riot		
RG2	Attempting to Incite a Riot		
KI1	Kidnapping	√	
Robbery (Using Force)			
RB1	Actual Robbery	√	

RB2	<i>Attempted Robbery</i>	√	
Sexual Offenses			
SB1	Sexual Battery Against Staff	√	√
SB2	Sexual Battery Against Student	√	√
SX0	Sexual Harassment	√	
SX1	Offensive Sexual Touching Against Staff	√	
SX2	Offensive Sexual Touching Against Student	√	
SX3	<i>Sexual Assault Against Staff/Rape</i>	√	√
SX4	<i>Sexual Assault Against Student/Rape</i>	√	√
SX5	<i>Attempted Sexual Assault Staff/Rape</i>	√	√
SX6	<i>Attempted Sexual Assault Student/Rape</i>	√	√

Code	2018-2019 Discipline Codes <i>Codes in red are used to identify persistently dangerous schools.</i>	Victim Count Required	Notify Police/SRO
SX7	Sexual Offense Without Force (Lewd Behavior, Indecent Exposure)	√	√
SX8	<i>Aggravated Sexual Battery (Student less than 15 years of age)</i>	√	√
Stalking			
ST1	Stalking	√	√
Theft (No Force)			
TF1	Theft of School Property	√	
TF2	Theft of Staff Property	√	
TF3	Theft of Student Property	√	
TF4	Possession of Stolen Property	√	
TF6	Attempted Theft/Theft of Motor Vehicle	√	
Threats/ Verbal or Physical			
TI1	Threat/Intimidation Against Staff (Physical, Verbal)	√	√
TI2	Threat/Intimidation Against Student (Physical, Verbal)	√	

Tobacco Offenses			
TB2	Electronic Cigarette Use/Distribution/Sales		
TC1	Tobacco Use		
TC2	Tobacco Possession		
TC3	Tobacco Sales/Distribution		
T4B	Bringing Tobacco Paraphernalia to School		
Trespassing			
TR1	Trespassing		
Vandalism			
VN1	Vandalism of School Property		
VN2	Vandalism of Private Property		
VN3	Graffiti		
Weapons			
WP0	Pneumatic Weapon (BB Gun, Pellet Gun or Paint Ball Gun)		√
WP1	Possession of Handgun or Pistol		√
WP2	Possession of Shotgun or Rifle		√
W3P	Bringing Toy/Look-Alike Gun to School		
W1P	Possession of Ammunition		
W2P	Possession of Chemical Substance (Mace, Pepper Spray, Tear Gas)		
WP4	Possession of Weapon That Expels a Projectile		√
WP5	Possession of Knife (3+ Inches)		√
WP6	Possession of Explosive Device/Live Ammunition		√
WP7	Use of Bomb or Explosive Device		√
WP8	Poss. of Other Firearm, Zip Gun, Starter Gun, Flare Gun		√
WP9	Other Weapons – Possessing Any Weapon to Inflict Harm. (Baseball Bat, Nunchakus, Billy Club, Golf Club, Chains)		√
WT1	Taser		
WS1	Stun Gun		
W8P	Knife With a Blade of Less than 3 Inches, Razor Blades, Box Cutter		

W9P	Fireworks, Firecracker, Stink Bomb		
-----	------------------------------------	--	--

Code	2018-2019 Discipline Codes <i>Codes in red are used to identify persistently dangerous schools.</i>	Victim Count Required	Notify Police/SRO
Miscellaneous			
C2M	Cellular Telephones		
C3M	Other Electronic Devices		
G1B	Gambling		
H1Z	Hazing	v	
S1V	Inappropriate Personal Property (Dress Code)		
S2V	Misrepresentation (Lying/Cheating/Plagiarism)		
S3V	Other Code of Conduct – Violations that are inappropriate for school behavior.		
T1C	Unauthorized Use of Technology or Information		
T2C	Causing/Attempting to cause damage to computer, hardware, software or files.		
T3C	Violation of Acceptable Use Policy		
T4C	Violation of Internet Policy		

DISPOSITION CODES

DISPOSITION	DISPOSITION DESCRIPTION	STATE CODE
001	IN SCHOOL RESTRICTION – VA	99
001SP	IN SCHOOL RESTRICTION – SPECIAL ED	01
002	SUSPENSION FROM SCHOOL - VA	02
003	LONG-TERM SUSPENSION - SUPT DECISION - VA	03
004	EXPULSION BY SCHOOL BOARD ACTION - VA	04
005	SPEC EDUCA INTERIM PLACEMENT - LC DECISION - VA	05
006	SPEC EDUCA INTERIM PLACE - HEARING OFFICER - VA	06

007	DRUG/WEAPON SUSPENSION (0-364 DAYS)	07
011	EXTENDED DISCIPLINE RECOMMENDED TO SUPT	99
012	SUSPENSION FOLLOWED BY ALTERNATIVE PLACEMENT	99
100	IMPLEMENT INTERVENTION PLAN	99
101	AM D-HALL	99
102	PM D-HALL	99
103	LUNCH DETENTION	99
104	DETENTION	99
105	FRIDAY/SATURDAY SCHOOL	99
106	TEMPORARY REMOVAL FROM CLASS	99
107	BUS SUSPENSION	99
108	ASSIGNED SEAT ON BUS	99
109	REPRIMAND / WARNING	99
110	COUNSEL / MEDIATE	99
111	PBIS CLASSROOM REPORT	99
112	PHONED PARENT/GUARDIAN	99
113	CONFERENCE WITH STUDENT	99
114	HALLWAY RESTRICTION	99
115	RESTORATIVE PRACTICES – LC	99

Incidents Identifying Persistently Dangerous Schools

Each state receiving funds under the federal *No Child Left Behind Act of 2001* is required to establish and implement a statewide policy requiring that a student attending a persistently dangerous school be allowed to attend a safe school. The Virginia Board of Education's "Unsafe School Choice Option" policy was adopted in May 2002. The Board subsequently approved a Persistently Dangerous Schools Identification Process and Criteria (access at http://www.doe.virginia.gov/federal_programs/esea/title4/part_a/id_dangerous_schools.pdf) that establishes thresholds of incidents using data over a three-year period by school divisions in their annual report on discipline, crime, and violence. The chart below lists the three categories of harm and the threshold points or automatic caution assigned to a school if one of the discipline, crime, and violence incidents described in the table occurs in the school.

Degree of Harm	Description	Code	Points Per Incident
Category I	Automatic Caution		One Incident Exceeds the Threshold
	Homicide-Staff-Firearm	HO1	
	Homicide-Student-Firearm	HO2	
	Homicide-Staff-Other Weapon	HO3	
	Homicide-Student-Other Weapon	HO4	
	Forcible Sexual Assault Against Student	SX4	
	Forcible Sexual Assault Against Staff	SX3	
	Attempted Forcible Sexual Assault Against Student	SX6	
	Attempted Forcible Sexual Assault Against Staff	SX5	
	Use of a Bomb	WP7	
Category II			Two Points
	Assault Against Staff with Firearm or Weapon	BA1	
	Assault Against Student with Firearm or Weapon	BA3	
	Actual or Attempted Robbery	RO1	
	Kidnapping/Abduction	KI1	
	Malicious Wounding without a Weapon	BA5	

	Aggravated Sexual Battery on a Student	SX8	
Category III			One Point
	Illegal Possession of a Handgun	WP1	
	Illegal Possession of Rifle or Shotgun	WP2	
	Illegal Possession of Any Other Projectile/Weapon	WP4	
	Illegal Possession of Bomb	WP6	
	Illegal Possession of Other Firearms	WP8	
	Illegal Possession of Controlled Drugs and Substances with Intent to Distribute or Sell	DR4	(Includes DG3, DG6, DG9, DG19)

Behavioral Menu of Best Practices and Strategies

Creative Commons “Behavior of Best Practices and Strategies” by the Office of Superintendent of Public Instruction (OSPI) is licensed by cc by 2.0. (Retrieved on 7/9/2017)

Behavior Monitoring

Behavior monitoring involves collecting student behavior data on a regular basis over a period of time and using the data to assist students in meeting behavioral goals. Behavior monitoring can involve varying levels of complexity depending on the skill(s) being monitored, the degree of student involvement in data collection and goal setting, as well as the alignment of data with motivational systems.

Practice Possibilities—Ideas to Consider When Planning

- Establish and teach check-in/check-out practices for students, staff, and parents.
- Create a relationship-based intervention to enhance student engagement through individualized attention for students in partnership with other school staff, family members, and other community service organization.
- Establish data-based teams to regularly review student data (e.g. attendance, behavior, and academic indicators) to inform decision making processes. Identify students who need support and progress monitor students already identified. Develop exit criteria and a transition plan for students no longer needing additional support.
- Create a daily behavior and/or academic report card to monitor student progress. Behavioral progress monitoring records are used by staff to provide students with specific feedback or instruction to monitor performance and develop skills. Have students develop routines and common language to assist with their communication skills regarding classroom behaviors (e.g. Stop. Think. Go.)

Demographic Considerations—Student Factors to Consider When Planning

Students who display culturally appropriate behavior patterns that could potentially be interpreted in a negative way should be considered in decision-making processes before codifying behaviors. Otherwise, schools risk identifying behaviors that are culturally appropriate as disruptive. Meaningful input from families representing various cultural populations can enhance classroom sensitivity, understanding, and responsiveness and also increase family engagement, belonging, and involvement. Also consider language access needs – both how to reduce communication barriers and how to incorporate a student’s primary language into individualized plans.

Students who have been bullied or harassed, or who are at risk of being targets, could be vulnerable in behavior monitoring group-settings and would instead benefit from an individualized progress-monitoring plan. Also, be careful to distinguish between behavioral needs that warrant extra support and behavioral responses to bullying or other forms of harassment.

Strategies for Implementation—Success Factors to Consider When Planning

- Identify a research based framework to guide behavior monitoring.
- Establish a program to monitor, identify and impact behavior based on research.
- Ensure a systematic approach to include the use of technology for tracking and self-monitoring/assessment.
- Educate all stakeholders on the framework/program and the system.
- Include social, emotional, and academic indicators in the behavior monitoring tool.
- Use common definitions to identify behaviors (where possible align single words with codes in required reporting formats to simplify data collection efforts).

- Determine intervals and what goals are achievable within certain timeframes.
- Ensure there is fidelity to the program as well as fairness and equity.
- Establish and align a method for documenting, coding and tracking behavior.
- Identify the factors and forces that impact the various types of behavior. Determine if variables are attributed to the school or to external forces and address them differently.

Mentoring

Mentoring is defined as a relationship in which an experienced person (mentor) assists another, less-experienced person (mentee) in developing specific skills and knowledge that will enhance the mentee's growth.

Practice Possibilities—Ideas to Consider When Planning

- Partner with local service organizations to establish adult-youth mentoring relationships that include service learning. For example, firefighters could mentor students while also teaching fire safety.
- Empower a group of students to identify potential mentors and develop a mentoring program.
 - Develop mentoring in combination with school activities and student clubs.

Demographic Considerations—Student Factors to Consider When Planning

- Students who have limited adult contact or support outside of school could benefit from an adult mentor relationship.
- Students without a parent of their gender may benefit from a gender-matched mentoring program

Strategies for Implementation—Success Factors to Consider When Planning

- Ensure mentoring relationships are clearly defined.
- Evaluate mentors' interpersonal sensitivity and capacity to build rapport with youth as well as families.
- Make mentoring programs available to students in grade levels throughout the district so students can benefit from a mentoring relationship during each stage of their development.
- Streamline processes for clearing volunteer mentors within school buildings.
- Identify potential mentoring resources for metropolitan as well as rural areas and, when necessary, develop a plan to deliver mentoring services in various locations.

Supporting Research

Mentoring often occurs naturally during adolescent development and usually involves an older person with more life experience providing care and assistance to a younger person in the context of a lengthy relationship (CSAP, 2000). Mentoring programs can provide a structured and trusting relationship that bring young people together with caring individuals who offer guidance, support, and encouragement (Hartley, 2004). Mentoring programs can occur in group settings but usually facilitate one-on-one mentoring relationships (DuBois, Portillo, Rhodes, Silverthorn, & Valentine, 2011).

Mentoring programs can range from informal to formal, but school-based or community-based mentoring programs are often very intentional efforts that recruit mentors who are both experienced and trained (CSAP, 2000). Mentoring programs can have a positive impact on academic and non-academic student outcomes. One study that partnered at-risk students with positive adult role models in one-on-one mentoring relationships saw improved attendance and grades, as well as decreased discipline referrals over a two-year period (Johnson & Lampley, 2010). A recent meta-analysis of mentoring programs concluded that "mentoring is, by and large, an

effective mode of intervention for young people” but added that “effects may hinge to a noteworthy extent on decisions regarding which youth and mentors are targeted and selected for the intervention as well as on the care with which mentoring relationships are then established and guided toward activities that are consistent with the goals of a program” (DuBois, et al., 2011, p. 80).

Cultural competence is a factor that may impact a mentoring relationship. Cultural competence refers to the extent to which individuals have the capacity to effectively work with individuals of a cultural group (Sue, 2006). In regards to youth mentoring, cultural competence requires mentors to acknowledge and reflect on how their values and biases play a role in the perceptions of mentees, and how they experience their relationships with mentees. It is important to consider the mentor’s interpersonal sensitivity and capacity to build rapport with youth and their families. When mentees perceive their mentors to be more culturally competent, better quality relationships are likely to result (Sanchez, Feuer, & 2012). Ultimately, mentoring is dependent upon how effective mentors are in establishing relationships with mentees, and cultural competency is an important component of building these relationships.

Mentoring is relational and requires time in which both partners can learn about one another and establish mutual trust. Though a mentor may be a student’s peer, most often a mentor is a person at least one or two grade levels higher. Mentor pairings may include middle school students with elementary age students, high school with middle school, or adults with students. If implemented well, mentoring programs hold potential for promoting social-emotional learning and addressing social-behavioral needs in a preventative way (DuBois, et al., 2011).

References

Center for Substance Abuse Prevention. (2000). Mentoring Initiatives: An Overview of Mentoring. U.S. Department of Health and Human Services.

DuBois, D. L., Portillo, N., Rhodes, J. E., Silverthorn, N., & Valentine, J. C. (2011). How effective are mentoring programs for youth? A systematic assessment of the evidence. *Psychological Science in the Public Interest* 12(2):57–91.

Hartley, R. (2004). Young people and mentoring: Time for a national strategy. *Family Matters*, 68, 22–27. Johnson, K. C., & Lampley, J. H. (2010). Mentoring at-risk middle school students. *SRATE Journal*, 19(2), 64–69.

Sanchez, B., Feuer, R., & Davis, K. (2012). Cultural mistrust and cultural sensitivity in high school seniors' mentoring relationships. Manuscript in preparation.

Sue, S. (2006). Cultural competency: From philosophy to research and practice. *Journal of Community Psychology*, 34(2), 231

Peer Mediation

Peer mediation is a promising practice for resolving interpersonal conflicts among students and teaching practical social skills development. However, successful implementation may depend upon whether the program is designed well enough to avoid peer mediator selection bias and inequitable student learning opportunities. As a practice, peer mediation may be developed as a small component of a larger strategy for teaching conflict resolution skills, improving school climate, and responding to disciplinary referrals.

Practice Possibilities—Ideas to Consider When Planning

- Develop training for students and staff in peer mediation techniques.

- Implement peer mediation programs at different levels: as a school-wide program, in a classroom, or as a school club.
- Demographic Considerations—Student Factors to Consider When Planning
- Secondary-level students in particular can benefit developmentally from peer mediation programs because they rely heavily on their peers for social-emotional support and capacity for advanced communication and empathy skills.

Strategies for Implementation—Success Factors to Consider When Planning

- Involve students in all aspects of the program development, implementation, and evaluation.
- Ensure program participation is an option for all students.
- Peer mediators should be neutral and void of a conflict of interest.
- Peer mediators should be supervised by school professionals who have training and expertise in the model.
- The composition of peer mediators should reflect the cultural demographics of the school.
- Participation in peer mediation should be voluntary and amenable to both parties.

Supporting Research

Peer mediation programs can be delivered school wide, in a manner that is class specific, or via a “pull out”/club model. Outcomes of peer mediation programs include: reductions in discipline referrals, improvements in school climate (when part of a school-wide conflict resolution program), satisfaction with solutions, and increased mediator skills in problem solving, decision making, tolerance for alternate points of view, and respect for others (Burrell, Zirbel, & Allen, 2003; Chittooran & Hoeing, 2004). One study showed that peer mediation, combined with mentoring in social-emotional learning, had a significant effect on academic achievement in the language arts (DeVoogd, Lane-Garon, & Kralowec, 2016). A two-year study at a high school in Turkey found that most conflicts referred for peer mediation resulted in resolutions and the overall process was effective for developing social skills and peacefully resolving conflicts (Turnuklu, Kacmaz, Sunbul, & Ergul, 2009).

References

- Burrell, N., Zirbel, C., & Allen, M. (2003). Evaluating peer mediation outcomes in educational settings: A meta-analytic review. *Conflict Resolution Quarterly*, 21(1), 7–26.
- DeVoogd, K., Lane-Garon, P., & Kralowec, C. (2016). Direct instruction and guided practice matter in conflict resolution and social-emotional learning. *Conflict Resolution Quarterly*.
- Turnuklu, A., Kacmaz, T., Sunbul, D., & Ergul, H. (2009). Does peer-mediation really work? Effects of conflict resolution and peer-mediation training on high school students' conflicts. *Procedia-Social and Behavioral Sciences*, 1(1), 630–638.

De-Escalation

De-escalation is a technique employed by individuals to provide communicative support to persons experiencing an escalated state. De-escalation communication techniques are verbal and non-verbal. This practice includes identifying escalated situations, using communicative methods to calm individuals, and modeling behavior or providing instruction in self-regulation. As a method of intervention, de-escalation should ultimately lead to the teaching of new skills that can be used in a variety of situations independently.

Practice Possibilities—Ideas to Consider When Planning

- Implement ongoing de-escalation training for all staff that addresses common behaviors while being respectful of cultural differences. Consider including bus drivers, custodians, and other personnel that interact with students who may benefit from de-escalation training.
- Teach staff and students the signs/symptoms of someone experiencing an escalated state and what type of language to use during conflicts. Students and staff could learn how to respond to someone in an escalated state by participating in role-playing activities.
- Provide safe locations and environments in which de-escalation opportunities and silent reflection can occur. Make space available for students to move and exert extra energy.

Demographic Considerations- Student Factors to Consider When Planning

- Elementary children may need more support to identify emotions and to engage in self-calming behaviors. Teaching younger children may also include different techniques based upon their developmental level and readiness. Older children and young adults can rely on increasing knowledge of emotions, and coping mechanisms and may benefit from adult support to pair/match coping with emotions and behaviors.
- Students with physical or cognitive disabilities may have pre-identified triggers that educators should take preemptive actions to address. Monitoring symptoms and documenting the frequency and timing could help guide staff to be aware of events or time(s) of day that the student may be more likely to escalate. Careful monitoring can help determine what type of interventions to employ, whether a referral is appropriate, and/or if an amendment of a student's Individual Education Plan (IEP) is needed.
- Students who come to school with exposure to various types of trauma may disclose information during a de-escalation process that requires follow-up services. When responding to a student in an escalated state, be cognizant/aware of issues of abuse, family situations (i.e. divorce, separations, domestic violence, foster care, adoption, death), and living situations (i.e. homelessness, eviction, living with family, foster care, shelters, etc.).

Strategies for Implementation—Success Factors to Consider When Planning

- Ensure adequate consideration is given to cultural practices and their relationship to behavioral expectations at all times. Staff should be aware of cultural considerations and assess how the influencing effect of dominant cultural norms may exacerbate escalated behavior and/or delay calming and de-escalation.
- Identify factors outside of the school's control that may trigger an escalation. Intervention at this cycle should be carefully organized, planned, and practiced.
- Train all staff in de-escalation techniques, including school building personnel that aren't employed by the district.
- Ensure training is ongoing and frequent enough to support school-wide application. Integrate de-escalation training into induction programs for new educators.
- Utilize assessment tools to identify potential triggers.
- Include students in de-escalation role-playing activities to teach and reinforce self-regulation skills.
- Develop similar language, strategies, and approaches in order to promote generalization of skills and **consistency in addressing escalated situations.**

Supporting Research

De-escalation, as a technique, involves the practical use of communication methods to support students experiencing an escalated state (Bath, 2008). This includes assistance to identify escalated situations, provide methods for calming, and model techniques students can use to self-regulate. As a method of intervention, de-

escalation should ultimately lead to the teaching of new skills that can be used in a variety of situations independently.

When a student is considered to be in an escalated state, behavior may range from silent frustration to vocal or physical outburst that present a danger to the student and/or others. Escalated situations can and do occur in the school setting and are best approached systematically, using prevention and intervention strategies. Escalation can happen for a wide variety of reasons. During escalation, there are usually multiple points along a continuum in what could be termed a behavioral crisis cycle (Long, 2007). A student may begin the cycle with mild agitation, where they are somewhat in control, and progress to a point at which they have little to no control over their choices, behavior, or thought process. Educators can use de-escalation techniques at any point during the escalation stage. The de-escalation process should include a recovery phase that may involve the student engaging in reflection, debriefing, and problem solving (Colvin & Scott, 2014).

References

Colvin, G., & Scott, T. M. (2014). *Managing the Cycle of Acting-Out Behavior in the Classroom*.

Corwin Press. Long, N. (2007). The conflict cycle paradigm. In N. Long, W. C. Morse, F. Fecser & R. Newman (Eds.), *Conflict in the Classroom* (6th ed.) Pro-Ed.

Levels of Progression to Interventions and Responses

Responding to behavior that detracts from any student's ability to benefit from learning or encroach on the rights of others may involve interventions and or responses to redirect the inappropriate behavior. The intent of a disciplinary intervention is to bring about a positive change/improvement in the student's behavior. Just as academic instruction is implemented within a tiered support system, disciplinary interventions and responses should operate with guidelines that are broad enough to allow for student differences, extenuating circumstances, and educational resources. School administrators are to demonstrate judgment based on evidence from investigations as to whether a student's action is in violation of the Student Code of Conduct.

These violations may occur in school buildings, on school grounds, parking lots, in school vehicles, at school related activities (field trips, athletics, competitions, etc.), going to and returning from school and outside of school hours off school grounds. Six levels of interventions and responses have been developed for violations of the Student Code of Conduct to be used as a guide for school administrators to help shape student behaviors and develop traits that empower students to make meaningful contributions to the world.

When considering discipline for a student with a disability, adhere to §5-55 which states that, "School personnel shall, on a case-by-case basis, consider any unique circumstances or harmful effects when deciding whether or not to discipline a student with a disability that violates a code of student conduct. In reviewing the disciplinary incident, school personnel should review the child's Individualized Education Program (IEP) and any behavioral intervention plan, and consult with the child's special education teacher(s) to provide further guidance in considering any unique circumstances or harmful effects related to the incident."

Discipline should be progressive, thus a student's first violation would call for a response of a lesser degree. All components should be taken into account. If a student's conduct is dangerous or threatens the safety of others, then a more severe disciplinary response may be needed. The recommended guidelines for the six levels of interventions beginning in the classroom are listed below:

Level 1- Staff may use one or more of the following interventions, responses to support student behavior changes in the classroom.

Level 2- Staff may request assistance from support services to shape student behavior if Level 1 interventions do not work or if the severity of the behavior merits a more intensive response. In some cases, a referral to school administration may be necessary.

Level 3- Staff may write a referral requesting the administrator to intervene if Level 1 and Level 2 interventions do not work or if the severity of the behavior merits a more intensive response. Office referral and documented parent notification required. **In-School Restriction (ISR)**

Level 4- To be used by administrators when Level 3 interventions do not work or severity of behavior warrants a more intensive response. Office referral and documented parent notification required. **Out of School Suspension (OSS) 1-3 days**

Level 5- Level 3 and 4 interventions do not work, student is severely disrupting the learning environment of the school or severity of behavior warrants a more intensive response. Office referral and documented parent notification required. **OSS 3-5 days**

Level 6- Office referral and documented parent notification required. **OSS 6-10 days, OSS 10 days, LTS, and**

EXP recommendations to OSA

The intent of this process is to implement graduated discipline policies and practices which provide for consideration of seriousness and chronicity of the violation to ensure that the consequences are matched with the seriousness and circumstances of the offense, and considers a focus on positive discipline practices, such as early intervention, individual and group support, school-based PBIS action plan, and continuum of Restorative Practices.

School administrators may use a lower level or higher-level response if circumstances support going outside the suggested progression, except where the behavior is considered non-negotiable (ex: alcohol, drugs weapons, etc.).

Schools must find a balance between eliminating disruptive behavior and maximizing student instructional time. Factors to be considered when disciplining a student:

- Seriousness of the behavior and level of harm
- Age, health or disability
- Impact of incident on the overall school community
- Student's understanding of the impact of their behavior
- Impact of student's action on the safety of other students or staff
- Student's willingness to accept responsibility for behavior and repair harm caused
- Student's prior conduct and disciplinary record

A basic positive approach to discipline is using consequences as a "teachable moment" to address inappropriate behavior while teaching positive behaviors. The goals of progressive responses are:

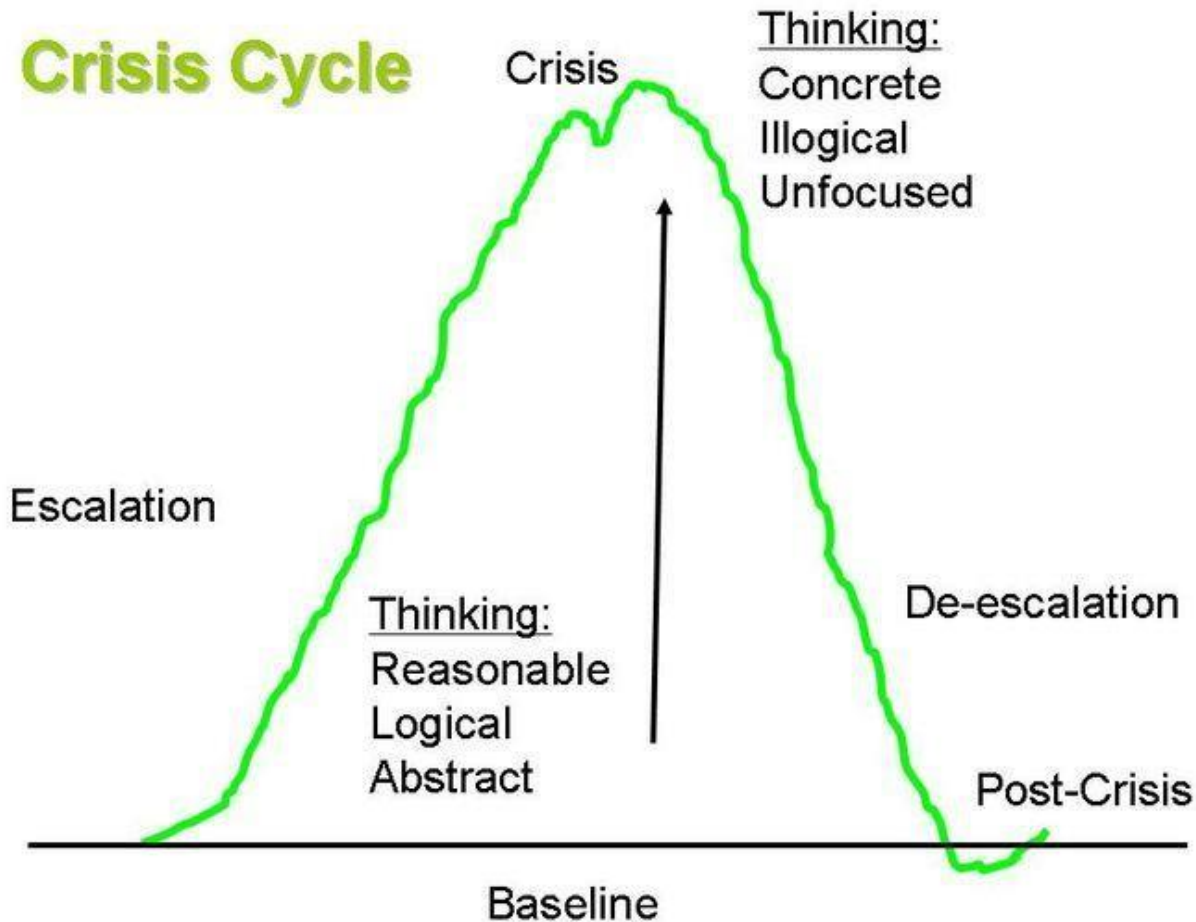
- To Increase accountability
- Bring about behavioral change
- Prevent recurring negative behavior

Teach students to understand why the behavior is unacceptable and what harm is caused. Students need to have an understanding of what they could have done differently in the same situation and take responsibility for their actions. They should be given the opportunity to learn positive social strategies and skills so not to repeat the behaviors, while understanding that the responses will increase if the behavior continues.

"Every effort should be made to correct student negative behaviors through interventions and other school and division resources and with the least *severe* disciplinary responses."

Levels of Interventions and Responses

Interventions are aimed to teach correct and alternative behavior to support a safe and respectful learning environment and ensure student academic and behavioral success. When working with students, it is important to remember that all behavior serves a function and has communicative intent. If the students' needs are not met in an appropriate manner, it becomes increasingly difficult for him or her to be available for learning. Thus, consultation of the crisis cycle is an important component to support staff in preventing, intervening, and deescalating behavior.



Level 1

Classroom Level Interventions and Responses

Staff may use one or more of the following interventions and responses to support student behavior changes in the classroom:

- Restorative Classroom Circles (Proactive)- Restorative Practices training required
- Establish positive and supportive relationships with students (**PBIS**)
- Install evidence-based classroom systems to support an environment that fosters learning. These include: Arrange Orderly Physical Environment, Define/Teach/Acknowledge Rules and Expectations, Define/Teach Classroom Routines, Employ Active Supervision, Provide Specific Praise for Behavior, Opportunities to Respond, Behavior Specific Praise, Positive Classroom Management System, and Error Correction (Neutralizing Routines for Vulnerable Decision Points)
- Model appropriate interactions, language, and respect
- Positive Specific Feedback – reinforcement of the appropriate behaviors, praise Use pre-correction strategies - train students to use certain classroom routines and practices that prevent problems – example: “Before we do our unit on archery, we are going to learn and practice the procedure that

everyone is required to use for safety.” OR, “Before we move into small groups remember our class rules-

- Visual Aids to support appropriate behavior
- Environmental changes – change of seating arrangement
- Pair or group students into positive peer groups
- Involve student in an alternative activity
- Redirection and reminders (ex.: role play) Verbal or Visual reminder/Warning
- Written feedback and suggestions
- Staff/student conference outside classroom
- Think sheet followed with staff/student conference – written reflection about incident, outcomes, replacement behavior, future strategy and supports needed
- De-escalation strategy for student to regroup (ex.: walk and think)
- Confiscation of item (return at the end of class)
- Parent Communication (note, email or phone call)
- Restorative Language and Affective Questions

Level 2

Possible Interventions and Responses when Level 1 is Ineffective or Severity of Incident Warrants:

Staff may request assistance from support services to change student behavior if Level 1 interventions do not work or if the severity of the behavior merits a more intensive response. In some cases, referral to the school administration may be necessary:

- Parent/staff conference (may include establishment of support plan, communication log)
- Parent/staff/student conference
- Parent contact plan (time and method established to contact parent with update)
- Student Problem Solving Worksheet/Guided Student Resolution/Choice Chart
- Check In/Check Out (CICO)
- Social Academic Instructional Group (SAIG)
- Establish student check in system with staff member
- Staff detention (before or after school; lunch)
- Temporary loss of classroom privilege
- Confiscation of item (hand over to administrator)
- Think Time (time out to regroup/alternate space or classroom/teacher follows with a private conference)
- Behavior chart (Behavior strategies and goals identified and monitored by staff)
- Request support from special education case manager
- Request support from school counselor, social worker, or psychologist
- Restorative Language and Affective Questions
- Refer to Student Support Team
- Administrative warning – administrator/student conference with understanding continuation of the behavior will possible result in referral

Level 3

Referral to Administrator Level Interventions and Responses

- Parent/staff/student/administrator conference
- Check and Connect – behavioral sheet with scheduled support, check in daily or weekly
- Referral to Counselor (1-1, group sessions)
- Referral for Check In – Check Out

- Reflective essay in which student suggests how student will rectify the situation
- Restitution/clean-up/repair harm
- Restorative Circle involving participants (Responsive) – (Restorative Practices training required)
- No Contact Contract (conflict with another student)
- Mentoring program
- Administrative detention (before or after school; lunch)
- Removal from class in which behavior occurred for 1 or 2 class periods (ex.: report to ISD for period 4 on Wednesday and Friday) ***SWD**
- Restricted activities or access to specific areas (ex.: no Homecoming Dance, not permitted in the gym area)
- Loss of privileges (ex.: parking permit – temporary)
- Temporary suspension from participating with team/club/activity
- Community service (alternative consequence on school campus)
- Suspension from bus (1-3 days) ***SWD**
- ISD (1/2 day up to 3 full days) ***SWD**
- FBA/BIP (Simplified version)

***SWD** – When implementing interventions for students with disabilities, consider FAPE guidelines and the impact the intervention may have on the 10-day removal from their educational setting.

Examples:

- A. If a student with disabilities receives a bus suspension for 3 days and their guardian cannot provide transportation, then the 3-day removal could be counted towards the 10-day removal from their educational setting.**
- B. If a student with disabilities receives an ISD assignment and their services are not provided to them directly in the ISD setting, the time spent in ISD could be counted towards the 10-day removal from their educational setting.**

Level 4

Referral to Administrator Level Interventions and Responses

To be used by administrators when Level 3 interventions do not work or severity of behavior warrants a more intensive response. Office referral and documented parent notification required:

- Alternative to suspension (ISD with mentoring/counseling intervention component)
- Behavior contract – monitored check ins, next referral will result in OSS
- OSS (1-3 days) ***SWD**
- Suspension from bus (3-10 days or for entire marking period) ***SWD**
- Extended loss of privileges and or personal devices
- Restorative Circle (Responsive) – Restorative Practices training required
- Re-entry Support Administrative (intervention session to address replacement behaviors/strategies, academic needs and social relationships harmed)
- Long term suspension (up to 30 days) from participation with a team/club/activity
- FBA/BIP

Level 5

Referral to Administrator with Possible Responses Beyond Suspension

Level 3 and 4 interventions do not work, student is severely disrupting the learning environment of the school or severity of behavior warrants a more intensive response. Office referral and documented parent notification required.

- Behavior contract – Include statement, “Next referral will result in a referral to Office of School Administration
- Restorative Conference – (involving appropriate individuals) – • Loss of bus privileges
- OSS (3-5 days)
- Re-entry Support Administrative (intervention session to address replacement behaviors/strategies, academic needs and social relationships harmed)
- Extended suspension (31 days or more) from participation with a team/club/activity

Level 6

Referral to Administrator with Possible Responses Beyond Suspension or Involvement of Office for School Administration

- Office referral and documented parent notification required.
- Restorative Conference – (Involving appropriate individuals)
- OSS 6-10 days
- OSS 10 days with meeting to be placed on Behavior Contract ***SWD**
- Return to school setting with additional re-entry supports
- OSS 10 days with referral to the Office of School Administration for recommendation for suspension in excess of 10 days or expulsion ***SWD**

Student Behavior Categories

The following behavior categories are designed to recognize the impact student behavior has on the school environment and on learning. They encourage awareness for administrators, teachers, parents, and counselors of students’ social-emotional development and emphasize the importance of helping students achieve academically and develop SEL competencies.

- A. Behaviors that Impede Academic Progress (BAP): These behaviors impede academic progress of the student or of 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.
- B. 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.
- C. 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.
- D. Behaviors that Present a Safety Concern (BSC): These behaviors create unsafe conditions for students, staff, and 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.

- E. Behaviors that Endanger Self or Others (BESO): These behaviors endanger the health, safety, or welfare of either the student or others in the school community. 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.

The categories are a means to sorting behaviors in order to apply leveled administrative responses to student behaviors.

School Discipline

All students have a right to adequate and meaningful due process prior to being excluded from school for disciplinary purposes. Schools should ensure that students and families understand school discipline processes and their related right to due process.

Students have the right to be informed of any suspension, given specific reasons for the suspension, and offered the opportunity to tell their side of the story before being suspended.

Short-term suspensions: Students and families have the right to receive in writing a description of the incident, the date the student may return to school, and notice of their right to appeal. This letter must also be sent to the superintendent's designee. Upon written request by the student or parent/guardian, the superintendent's designee must review the suspension. If no alternative education program is provided, schools should make academic assignments available to students during a short-term suspension.

Long-term suspensions: Students and families have the right to written notice from the Superintendent's designee about the conditions of a long-term suspension and their relevant due process rights. The student has a right to the following:

- A hearing in front of the Superintendent or their designee;
- An appeal of an unfavorable decision to the School Board;
- Consideration of a variety of factors aside from the offense itself, among them: age and grade level; the student's academic and behavioral history; the availability of alternatives; mental health, substance abuse, or special education assessments; and any other relevant matters; and
- Upon appeal to the School Board, a written decision within 30 days.

Schools should provide an academically appropriate alternative education program that permits students serving a long-term suspension to maintain sufficient progress in the curriculum and allow a smooth transition back into the student's school once the suspension term concludes. Schools should provide opportunities for earlier re-admittance based on student progress.

Expulsion: Students have the same due process rights to hearings and appeals as with long-term suspension, except that no expulsion is effective until approved by the School Board.

Students have the right to apply for re-admittance to school from an expulsion. Students also have the right to appeal a denial of re-admittance from an expulsion to the School Board.

Questioning by school officials

School officials have a direct responsibility for student behavior as well as school safety and security. That responsibility allows school officials the latitude to question students in an effort to maintain order. Law enforcement officers should not be involved in the questioning students as a part of routine school operations when no evidence suggests a crime has been committed.

Questioning by school officials and law enforcement

Questioning students in the presence of a law enforcement officer greatly enhances the need to ensure that the student has all of the protections afforded them under the law. School administrators should consider the following questions:

- Is the student able to understand his/her rights based on the student's age and development given the situation?
- Has a crime been committed?
- Is the student a suspect in the alleged crime?
- Is the student free to leave the interview?

A student who is being questioned in the presence of law enforcement about involvement in a criminal offense should be afforded the same rights as any suspect being interrogated for criminal involvement.

The school is a custodial setting and students are not free to leave without permission. This fact enhances the need for students to be advised and aware of their rights prior to and during an interrogation by law enforcement. This will include support from school personnel to ensure that the student fully understands the process and that they are aware of the magnitude of the situation. Students, whom school officials determine are not able to understand their rights under the law, should not be questioned by law enforcement without parental involvement.

Due Process Rights for Students with Disabilities

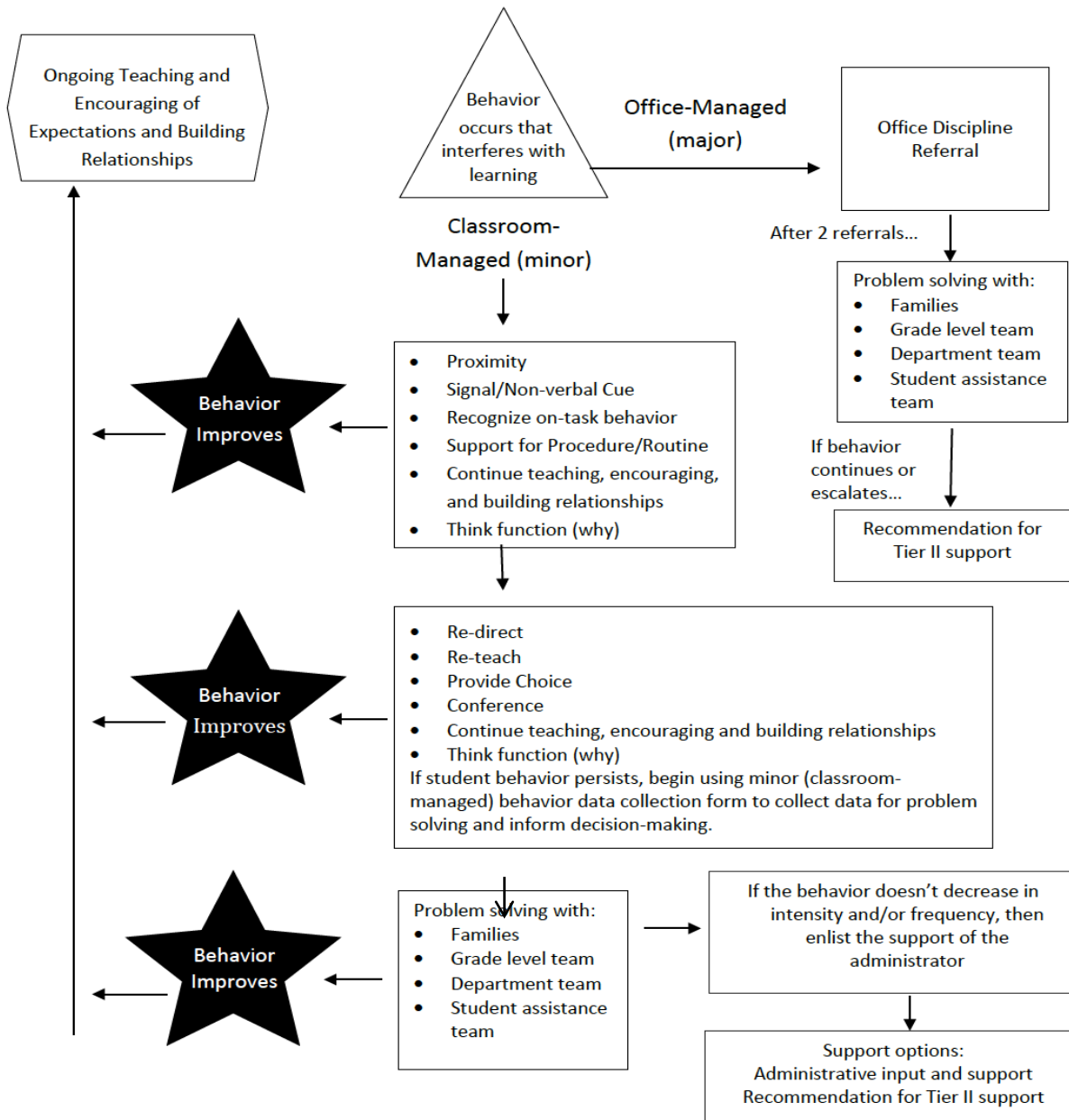
Students with disabilities are entitled to all the same due process protections as students who do not have disabilities, plus additional protections under federal (IDEA, ADA) and state law. In brief,

- Short-term suspensions: A short-term suspension is not considered a "change in placement" for special education purposes, but schools must still provide a free and appropriate education (FAPE) and strive to fulfill the IEP during this suspension. Even so, a series of short-term suspensions that form a pattern of behavior can be considered a change in placement.
- In most cases, students with disabilities cannot be suspended for more than ten school days for conduct that is caused by the disability.
- Students with disabilities who are long-term suspended or expelled are entitled to an expedited decision from a due process hearing challenging the disciplinary action.

Discipline Process Flow Chart

The flow chart below is an example of the process for managing student behaviors through a positive, proactive, preventive, evidenced-based approach.

Discipline Process: Continuum of Support for Discouraging Inappropriate Behavior



Definitions

Behaviors referenced in the *Code of Virginia* and terms related to those references are listed alphabetically in this section. The *Code of Virginia* requires that certain behaviors be included in codes of student conduct and reported to law enforcement. Those behaviors are noted in the last column of the leveled response tables. A school board may require reporting of other offenses to the division superintendent and/or law enforcement. Local school boards and law enforcement officials should consult to determine those offenses. The *Code* also states that whenever a student commits a reportable incident named in the *Code*, the student shall be required to participate in prevention and intervention activities as determined appropriate by the superintendent or designee (Link: [§ 22.1-279.3:1.C](#)).

Alcohol, Tobacco and Related Products, and Other Drugs

Student conduct policy for alcohol and drugs should address the possession, use, consumption, purchase, distribution, manufacture, and/or sale of restricted substances on school property, in school vehicles, or during school-sponsored activities on or off school property. This includes, but may not be limited to, alcohol, tobacco, electronic cigarettes, and inhalant (vaping) products, and other controlled substances defined in the *Drug Control Act*, Chapter 15.1 of Title 54 of the *Code of Virginia*, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia, and any prescription or non-prescription drug possessed in violation of school board policy.

School boards may consider the use of leveled sanctions in which a substance abuse prevention/intervention program is available to students in cases of possession, use, or distribution violations. A student assistance program can serve as an important programmatic element for substance abuse prevention, intervention, and linkage to treatment.

School boards, in accordance with § 22.1-277.2:1. of the *Code*, may require any student who has been found in possession of, or under the influence of, or distributing drugs or alcohol in violation of school board policy to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

Arson

Code of Virginia § 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 *Code*. Incidents that rise to the level of arson of a school should be turned over to law enforcement for investigation.

Assault: Assault and Battery

The legal definition of assault is a threat of bodily injury. A battery according to Black's online law dictionary is any "wrongful physical violence or constraint, inflicted on a human being without his consent." Courts use these terms to describe behavior. They do not take into account the developmental age of children and therefore should not be used to describe student behavior that does not rise to the level of delinquency. Within the leveled system of student behaviors, age and development should be considered in any instance of physical contact between students. Behavior that is developmentally expected should not be labeled as assault or battery. However, student conduct policy should specifically prohibit assault and battery of students and staff.

Attendance: Truancy

Attendance requirements may be included in the student conduct policy or may be addressed elsewhere in policy at the discretion of the school board. The policy should establish an expectation for regular attendance, criteria for absences to be excused and not excused, and applicable disciplinary consequences and intervention assistance for unexcused absences and tardies. The comprehensive policy should address parental responsibilities, duties of the school division's attendance officer and procedures for taking action against the child and/or parent for failure to comply with applicable law. [§ 22.1-254](#). of the *Code of Virginia* addresses compulsory attendance, excuses and

waivers, alternative education program attendance, and exemptions. The *Code of Virginia* specifically prohibits the use of suspension in cases of truancy:

[§ 22.1-277. Suspensions and expulsions of pupils generally.](#)

- A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.*

"Truancy" means unexcused absence from school. However, there is an important distinction between a student who is truant and one who is chronically truant. A student displays truant behavior with a single unexcused absence from school, but a student needs to reach or surpass a certain number of unexcused absences to be considered chronically truant. Virginia law does not define a truant specifically but does define a child who is habitually and without justification absent from school as a "child in need of supervision" when certain other conditions are met.

According to [§ 16.1-228.A.](#) of the *Code of Virginia*, the following criteria defines a "child in need of supervision" who is truant:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school;
2. The child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs;
3. The school division from which the child is absent or other appropriate agency has made a reasonable effort to affect the child's regular attendance without success; and
4. The school division has provided documentation that it has complied with the provisions of [§ 22.1-258](#) that address actions to be taken when a pupil fails to report to school.

Absenteeism labeled as chronic incorporates all absences: excused, unexcused, and suspensions. Addressing chronic absenteeism focuses on the academic consequences of this lost instructional time and on preventing absences before students miss so much school that they fall behind. It recognizes that students miss school for many understandable issues such as asthma or homelessness or unreliable transportation, for which a punitive response is not appropriate. Chronic absenteeism should be seen as a symptom of an underlying issue and should be addressed via a tiered system of supports framework. That framework may include working with juvenile and domestic court services personnel to address the underlying issues before a Child in Need of Services (CHINS) petition is filed. Developing a Memorandum of Understanding with the Juvenile Court Services is an important part of addressing chronic absenteeism and truancy.

Aggravating circumstances

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

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

Bomb Threat

School board policy should specifically prohibit bomb threats. Other related offenses that may constitute components of a comprehensive policy include, but are not limited to, conduct involving firebombs, explosives, incendiary devices, or chemical bombs.

Threats to bomb or damage buildings and giving false information as to danger to such buildings are prohibited by § 18.2-83. of the *Code of Virginia*. Definitions of "explosive material," "fire bomb," and "hoax explosive device" are defined in § 18.2-85. of the *Code*. Bomb threats must be reported to law enforcement.

Bullying

Section [§ 22.1-276.01](#) of the *Code* defines bullying as any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. This includes cyberbullying. It does not include ordinary teasing, horseplay, argument, or peer conflict. School boards are expected to include bullying as a prohibited behavior in their student codes of conduct. Non-criminal behavior associated with bullying includes intimidation, taunting, name-calling, and insults.

Another form of bullying occurs using electronic means and is referred to as cyberbullying. Typically, cyberbullying is defined as using information and communication technologies, such as cell phone text messages and pictures, and email, social media, blogs, networking websites, defamatory personal websites, and defamatory online personal polling websites, to support deliberate, hostile, behavior intended to harm others.

Section [22.1-208.01](#) requires each school board to establish, within existing programs, a character education program; these programs are required to address the inappropriateness of bullying.

§ 22.1-291.4. Bullying prohibited.

1. Each school board shall implement, by July 1, 2014, policies and procedures to educate school board employees about bullying, as defined in § 22.1-276.01, and the need to create a bully-free environment.
2. That the Board of Education shall develop, by January 1, 2014, model policies and procedures for use by each school board to educate school board employees about bullying, as defined in § 22.1-276.01, and the need to create a bully-free environment.

Bus-Related Offenses

School board policy should clearly communicate that rules governing student conduct apply not only at school but also on a school vehicle, while on a school-sponsored trip, and on the way to and from school, including at the bus stop. [§ 22.1-279.3:1.](#)

Cheating

Cheating is not defined in the *Code of Virginia*. A student conduct policy may address cheating as a single offense or approach it as one of several offenses.

Disruptive Behavior

"Disruptive behavior" is defined in [§ 22.1-276.01.](#) of the *Code* as a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment. Local school board policy should cite the initial authority of teachers to remove a student from a class for disruptive behavior. The term "disruptive" describes a range of behaviors that is subjective and can reflect individual bias. Schools should define specific actions that obstruct the learning environment (yelling, making noise to distract others, wandering around the classroom, etc.) in

their behavioral expectations to help ensure equity in the application of discipline responses. Policies should also outline behaviors that are classroom managed and office managed.

Dress Standards

Establishing standards for dress should involve all members of the school community. A Level 1 response is appropriate for violations of dress standards. All efforts should be made to prevent dress code violations from being viewed as instances of defiance or disruption.

Drug-Related Offenses

A school board policy, in accordance with § [22.1-277.08](#) of the *Code of Virginia*, shall permit, but not require, the expulsion of any student determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in § 18.2-247. onto school property or to a school sponsored activity (See Appendix A.).

A school administrator, pursuant to school board policy, or a school board may determine, based on the facts of a particular situation, that special circumstances exist, and that no disciplinary action or other disciplinary action is appropriate. By regulation, a school board may authorize the superintendent or his designee to conduct a preliminary review of such cases.

School board policy may permit or require students suspended or expelled for drug-related offenses to attend an alternative education program provided by the school board for the term of the suspension or expulsion.

"Exclusion"

A Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than 30 calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

"Expulsion"

Any disciplinary action imposed by a 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.

Gambling

Section [18.2-325](#) of the *Code of Virginia* defines illegal gambling as the "making, placing, or receipt, of any bet or wager of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value." A gambling device includes any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in illegal gambling operations or activity.

Gang-Related Activity

"Criminal street gang" is defined in § [18.2-46.1](#) of the *Code* as meaning "any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction."

Section [16.1-260.G](#) of the *Code* requires an intake officer to report to the division superintendent any student against whom a petition is filed for certain offenses including:

1. Prohibited criminal street gang activity pursuant to § 18.2-46.2.
2. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3.

Hazing

Local school board codes of student conduct, in accordance with § [22.1-279.6.B](#) of the *Code*, are required to prohibit hazing and to cite “the provisions of § 18.2-56., which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations; i.e., confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.”

Internet Use

Student conduct policy related to computer use should be developed in accordance with information provided in the [Virginia Department of Education’s Acceptable Use Policies: A Handbook](#).

In its 2006 Session, the General Assembly amended § 22.1-70.2 of the *Code* to require school divisions to add to their acceptable use policies a component on Internet safety for students that is integrated with a school division’s instructional program. (See Appendix A.)

The 2009 General Assembly amended § [22.1-279.6](#) of the *Code* to include the inappropriate “use of electronic means for purposes of bullying, harassment, and intimidation....”

"Long-term suspension"

Any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days.

Other Conduct

A school board may consider including an “other conduct” category that addresses behavior not specifically listed elsewhere. The “other conduct” should be confined to that which disrupts the educational environment or is a violation of federal, state, or local law.

Portable Communication Devices

[Section 22.1-279.6.B](#) of the *Code* authorizes school boards to regulate the use or possession of portable communication devices and establish disciplinary procedures for students violating such regulations.

Profane or Obscene Language or Conduct

School board student conduct policy, in accordance with § [22.1-279.6.C](#) of the *Code*, is required to prohibit profane or obscene language or conduct. The *Code of Virginia* does not specifically define these terms. Conduct typically prohibited under this provision includes swearing and obscene/offensive gestures, materials, and communications.

Property Violations

- Property violations include, but are not limited to, arson, destruction of property, vandalism, and theft.
- ***Destruction of property: § 22.1-280.4.*** School boards are authorized to seek reimbursement from a pupil or the pupil's parent for any “actual loss, breakage, or destruction of or failure to return property, owned by or under the control of the school board, caused or committed by such pupil in pursuit of his studies.”
- ***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.

"Short-term suspension"

Any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

Stalking

Stalking is defined in § [18.2-60.3](#) of the *Code of Virginia* as conduct, occurring on more than one occasion and directed at another person, that places that other person in reasonable fear of death, criminal sexual assault, or bodily injury. The 2005 General Assembly added stalking to the list of offenses that require a report to law

enforcement officials (see page 78). Reports of this nature should be turned over to law enforcement for investigation.

Threats: Intimidation

Threats to kill or to do bodily harm “to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm” are specifically prohibited by § [18.2-60](#) of the *Code of Virginia*. The prohibition includes threats to any person or persons “(i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at any elementary, middle, or secondary school-sponsored event, or (iii) on a school bus....”

Section 18.2-60.B. of the *Code* prohibits an oral threat to kill or to do bodily injury to any employee of any elementary, middle or secondary school, while on a school bus, on school property, or at a school-sponsored activity. The 2009 General Assembly amended

§ [22.1-279.6](#) of the *Code of Virginia* to prohibit the “use of electronic means for purposes of bullying, harassment, and intimidation....”

Section [22.1-79.4.C](#) (Threat assessment teams and oversight committees) directs division superintendents to establish threat assessment teams for schools. The teams are to:

provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self...

Depending on local conditions, a school board may also consider including content on cultural awareness, gang awareness, and substance abuse prevention and intervention.

Self-Defense

A code of student conduct may, but is not required to, address consideration of self-defense as a factor in determining appropriate disciplinary action. Procedures for such consideration should include an opportunity for the student(s) to present the student’s version of what occurred, as well as a review of facts, involving school personnel and others as appropriate. The fact-seeking process may include students and other staff who may have witnessed the incident or have observed previous interactions between the students involved. In cases where self-defense is claimed, there may be a “history” between the students that often takes the investigation beyond looking at the single incident to examining patterns of interaction, past threats, and bullying. Information is obtained from a variety of persons, including bus drivers, custodians, teachers, other students, and parents.

School boards developing disciplinary policies including self-defense should provide criteria that define when an incident would be considered an act of self-defense. Based on the criteria used in the judicial system for a claim of self-defense to apply, the following conditions should be met. The person claiming self-defense must:

1. Be without fault in provoking or bringing on the fight or incident.
2. Have reasonably feared, under the circumstances, as they appeared to him, that he was in danger of harm.
3. Have used no more force than was reasonably necessary to protect him from the threatened harm.

A school board’s policy addressing self-defense should retain a prohibition for bringing weapons of any kind to school for the purpose of self-defense and explicitly state that self-defense does not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity.

Trespassing

Trespassing upon church or school property, including school buses, is specifically prohibited by § [18.2-128](#) of the *Code of Virginia*: Any person who, without the consent of some person authorized to give such consent, goes or

enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property, shall be guilty of a Class 3 misdemeanor.

Trespassing must be included in student codes of conduct per [§ 22.1-279.6](#) of the *Code of Virginia*. "Trespassing should be used to report instances of unauthorized student presence that occur outside of school hours or are deemed to have an unlawful purpose. These instances should be reported to law enforcement as they are violations of [§ 18.2-128](#) of the *Code of Virginia*."

Weapons or Other Dangerous Articles

Student conduct policy on weapons should address the possession, use, sale, or purchase of restricted items on school property, on school vehicles, or during school-sponsored activities on or off school property. This includes, but may not be limited to, any firearm or weapon. A school board additionally may prohibit the possession of unloaded weapons by students on their persons or in their lockers, backpacks, or vehicles.

Weapons violations considered for expulsion shall permit, but not require those stipulations enumerated in the *Code of Virginia* [§ 18.2-308.1](#) and in the federal *Gun-Free Schools Act*. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

Carrying, bringing, using, or possessing dangerous instruments in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity on or off school property is grounds for disciplinary action. Dangerous instruments, for example, may include letter openers, screwdrivers, hammers, hatchets, and other devices that could be used to inflict harm upon another person. Not subject to mandatory expulsion is possession of a knife that is customarily used for food preparation or service and is possessed by the student for the sole purpose of personal food preparation and service.

Weapons-Related Offenses

School board policy, in accordance with [§ 22.1-277.07](#) of the *Code of Virginia*, permits, but does not require, expulsion of any student determined to possess a firearm, destructive device, a firearm muffler or firearm silencer, or a pneumatic gun on school property or at a school-sponsored activity (See Appendix A.). Definitions of "firearm," "destructive devices," and "pneumatic gun" are set forth in [§ 22.1-277.07.E](#) of the *Code*, and are consistent with the federal *Gun-Free Schools Act*. A copy of this Act is included as Appendix E.

This prohibition does not apply to Junior Reserve Officers Training Corps (JROTC) programs or to the possession of firearms as part of the curriculum or other programs sponsored by the schools or other organization permitted by the school to use its premises.

A school administrator, pursuant to school board policy, or a school board may determine, based on the facts of a particular situation, that special circumstances exist, and that no disciplinary action or another disciplinary action is appropriate. A school board may, by regulation, authorize the division superintendent or designee to conduct a preliminary review of such cases.

A school board policy may permit or require students suspended or expelled for weapons-related offenses to attend an alternative education program provided by the school board for the term of the suspension or expulsion.

Student Recommendation during suspension or expulsion

The following recommendations should be considered when a student is suspended or expelled.

1. Allow a student who has been suspended or expelled to complete academic assignments during the period of suspension or expulsion.
2. Provide appropriate alternative placements to allow the student to make academic progress.
3. Promote access to social-emotional and/or behavioral supports to assist the student in learning appropriate behaviors before returning to school.
4. Outline re-entry processes for students who are returning to school after a suspension or expulsion.
5. Require a readmission conference with the student, parent, principal, counselor, and other relevant support personnel to review the student's schedule, expectations for behavior, continuing or new student supports or interventions.
6. Require a monitoring process for the student's academic, behavioral, and social-emotional progress upon return to school, which may include drug testing.
7. Specify any limitations that may be included in a student's re-enrollment.
8. Address the use of community service or restitution.
9. Address student and staff participation in a restorative practice.
10. Outline any preparation of the teacher(s) and or student(s) for the re-enrollment of the suspended or expelled student.

OFFENSE CODES

The following information is from VDOE and includes terms, definitions, and codes for offenses. Relevant legal sources and related statutes, are noted.

Abbreviation Key:

BOE **Board of Education**

Code of **Code of Virginia**
VA

GFSA **Gun Free Schools Act**

SDFSCA **Safe and Drug-Free Schools and Communities Act**

VAC **Virginia Administrative Code (from Standards of Accreditation)**

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Assault/ Battery With Firearm or Other Weapon Against Staff	An actual offensive, forceful and violent and intentional touching or striking of a staff member against his or her will, intentionally causing bodily harm through the use of a firearm or other weapon.	BA1 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-57 §22.1-279.3:1(A & D) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116 20 USC §7151 UMIRS	
Assault/ Battery With No Firearm or Weapon Against Staff	An actual offensive and intentional touching or striking of a staff member against his or her will, intentionally causing bodily harm without the use of a firearm or weapon.	BA2 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A & D) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116 UMIRS	
Assault/ Battery With Firearm or Other Weapon Against Student	An actual offensive forceful and violent and intentional touching or striking of a student against his or her will, intentionally causing bodily harm with the use of a firearm or other weapon.	BA3 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-57 §22.1-279.3:1(A & D) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116 20 USC §7151 UMIR	
Assault/ Battery With No Firearm or Weapon Against Student	An actual offensive and intentional touching or striking of a student against his or her will, or mutual participation in a fight that intentionally causes bodily harm without the use of a firearm or weapon.	BA4 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A & D) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116	

				UMIRS	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Assault/Battery Malicious Wounding Without a Weapon	Maliciously causing bodily injury to a person (without a weapon) with the intent to maim, disfigure, disable, or kill.	BA5 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.5-51.2 SDFSCA Report 20 USC §7116 8 VAC 20-131-270	
Assault/Battery without bodily injury	The assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a schools-sponsored event.	BA6	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1A.	
Breaking and Entering Burglary	Unlawfully entering or attempting to enter a building or other structure with the intent to commit a crime.	BR1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories BK1 – Burglary: Actual BK2 – Burglary: Attempted
Bullying	Using repeated negative behaviors intended to frighten or cause harm. These may include, but are not limited to, verbal or written threats or physical harm.	BU1	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-208.01(A)	
Cyber Bullying	Cyber bullying is defined as using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking Web sites, defamatory personal Web sites, and defamatory online personal polling Web sites to support deliberate, hostile, behavior intended to harm others.	BU2	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-208.01(A)	
Disruptive Behavior/ Insubordinate	Unwillingness to submit to authority or refusal to respond to a reasonable request. Any behavior that substantially disrupts the orderly learning environment.	D1C-D6C D8C	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS <i>Code of VA</i> §22.1-276.2	Sub-Categories D1C – Disrespect (walking away, etc.) D2C – Defiance (refuses requests) D3C – Disruptive Demonstrations D4C – Possession of Obscene or Disruptive Literature D5C – Classroom or Campus Disruption

					D6C – Using Obscene or Inappropriate Language or Gestures D8C – Minor Insubordination
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Drug Violations Schedule I & II Anabolic Steroid Marijuana Use Possession	Violation of laws or ordinances prohibiting the manufacture, transportation, possession or consumption of marijuana, Schedule I & II drugs, and anabolic Steroid-Use. Suspicion of being under the influence of marijuana may be included if it results in disciplinary action. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3446 (Schedule I) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3448 (Schedule II) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions)	DR1 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC §7116 20 USC §7161 UMIRS	Sub-Categories Schedule I & II Drugs / Marijuana/Anabolic Steroid-Use and Possession DG1 – Schedule I & II Drug Use DG2 – Schedule I & II Drug Possession DG7 – Marijuana Use DG8 – Marijuana Possession D20 – Anabolic Steroid/Use and Possession DG5 – Synthetic marijuana Use or Possession
Drug Violations Look-alikes Use Possession	Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any substances represented as drug look-alikes. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-247 (Definitions)	DR2 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §18.2-634 §22.1-279.3:1 (vii) 8 VAC 20-560-10 SDFSCA Report 20 USC §7116 20 USC §7161 UMIRS	Sub-Categories D17 – Substances Represented as Drugs (Look-alikes)
Drug Violations Inhalants	Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any inhalants <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/000/cod/18.2-264.HTM	D15 D16	Required to be reported regardless of sanction	<i>Code of VA</i> §18.2-264 SDFSCA Report	D15 – Possession of Inhalants D16 – Use of Inhalants

Drug Violations Prescription Theft Attempted Theft	Unlawfully possessing or attempting to take possession of drugs prescribed for another. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-258.2 (Theft) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions)	DR3 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A)	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Drug Violations Schedule I & II Anabolic Steroid Marijuana Sale/Distribution	Unlawfully possessing with the intent to distribute, sell, or solicit any Schedule I or II drug, marijuana, or anabolic steroid. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3446 (Schedule I) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3448 (Schedule II) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions)	DR4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-248 §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC §7116 20 USC §7161 UMIRS	<u>Sub-Categories</u> Schedule I & II Drugs/ Marijuana/ Anabolic Steroid Sale/Distribution. DG3 – Schedule I & II Drug Sale/Dist. DG9 – Marijuana Sale/Distribution D19 – Anabolic Steroid Sale/Distribution DG6 – Synthetic marijuana sale and/or distribution
Drug Violations Schedule III-VI Use, Possession, Sale/Distribution, Paraphernalia Possession	Unlawfully using or possessing with the intent to distribute, selling or soliciting any controlled drug or narcotic substance not specified in previous drug categories. Having equipment (paraphernalia) for use in consuming illegal drugs in one's pocket, bag, car, or locker. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3450 (Schedule III) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3452 (Schedule IV) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3454 (Schedule V) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3455 (Schedule VI)	DR5 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC §7116 20 USC §7161 UMIRS	<u>Sub-Categories</u> Schedule III-VI Drugs/Use/ Possession/ Sale/Distribution D10 – Other Drug Use/Overdose D11 – Other Drug Possession/ Paraphernalia Possession D12 – Other Drug Sale/Distribution

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Alcohol Use Possession Sale/ Distribution	Violating laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol. Suspicion of being under the influence of alcohol may be included if it results in disciplinary action.	AL1 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A) §4.1-305 SDFSCA Report 20 USC §7116 20 USC §7161 UMIRS	Sub-Categories AC1 – Alcohol Use AC2 – Alcohol Possession AC3 – Alcohol Sale/ Distribution
Arson Actual Attempted	Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.	AR1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS <i>Code of VA</i> §18.2-79	Sub-Categories AS1 – Arson: Actual AS2 – Arson: Attempted AS3 – Lighted firecrackers, Cherry Bombs, or Stink-bombs that Contribute to a Damaging fire. Firecrackers or fireworks should be coded as W9P.
	http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-265.1 (Paraphernalia)				
Drug Violations Over-the-Counter Use, Possession, Sale/Distribution	Unlawful use, distribution, sale, solicitation, purchase, possession, transportation, or importation of over-the-counter medication.	D4G D5G D6G	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories D4G – Over-the Counter Medicine/Use D5G – Over-the-Counter Medicine/Possession D6G – Over-the-Counter Medicine Sale/Distribution

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Electronic Devices	Using electronic devices that are deemed inappropriate in an educational setting.	C1M C2M C3M	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS <i>Code of VA</i> §22.1-279.6(B)	<u>Sub-Categories</u> C1M – Beepers C2M – Cellular Telephones C3M – Electronic Devices
Extortion	Unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat or eventual physical injury or other harm to that person or person's property.	EX1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS <i>Code of VA</i> §18.2-59	<u>Sub-Categories</u> ET1 – Extortion ET2 – Attempted Extortion
Fighting With No Injury or Minor injury	<u>Mutual</u> participation in a fight involving physical violence, where there are no or minor injuries. These may include, but not be limited to, the following: scrape on body (e.g., knee, elbow, hand) or minor bruising.	FA2	Required to be reported regardless of sanction	8 VAC 20-131-270 SOA UMIRS	
Altercation/confrontation	Confrontation, tussle, or verbal/physical aggression that <u>does not</u> result in injury.	F1T	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Gambling	Making, placing, or receiving any bet or wager of money or other thing of value dependent upon the result of the game, contest, or any other event with an uncertain outcome.	G1B	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS <i>Code of VA</i> §18.2-325	
Gang Activity	Street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary objectives or activities to commit one or more criminal or non-criminal gang activities. This includes articles of clothing that symbolize association, rituals, or activities identified by groups of students.	GA1	Required to be reported only if sanction is suspension or expulsion	<i>Code of VA</i> §18.2-46.1-3 UMIRS	

Harassment, Non-sexual (Physical, Verbal, or Psychological)	Repeatedly annoying or attacking a student or a group of students or other personnel which creates an intimidating or hostile educational or work environment.	HR1	Required to be reported regardless of sanction	SDFSCA Report UMIRS	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Hazing	Committing an act or acts against a student or coercing a student to commit an act that creates risk of harm to a person in order to be initiated into a student organization or class.	H1Z	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS <i>Code of VA</i> §22.1-279(B) §18.2-56	
Homicide Against Staff With Firearm	Any death of a staff member resulting from the use of a firearm (other than accidentally self-inflicted or suicide).	HO1 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §711620 USC §7151 GFSA UMIRS	
Homicide Against Student With Firearm	Any death of a student resulting from the use of a firearm (other than accidentally self-inflicted or suicide).	HO2 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116 UMIRS	

Homicide Against Staff With Other Weapon	Any death of a staff member resulting from the use of a weapon (other than accidentally self-inflicted or suicide).	HO3 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116 UMIRS	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Homicide Against Student With Other Weapon	Any death of a student resulting from the use of a weapon (other than accidentally self-inflicted or suicide).	HO4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC §7116 UMIR	
Inciting a Riot	Unlawful use of force or violence that seriously jeopardizes the public safety, peace, or order. Three or more people acting together.	RT1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	<u>Sub-Categories</u> RG1 – Inciting a Riot RG2 – Attempting To Incite a Riot
Kidnapping	Unlawfully seizing, transporting, and/or detaining a person against his/her will, or a minor without the consent of his/her custodial parent(s) or legal guardian. This category includes hostage-taking.	KI1	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-47	
Other Violations	Violations that are inappropriate for school behavior.	S1V S2V S3V	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	<u>Sub-Categories</u> S1V – Inappropriate Personal Property (i.e., Dress Code Violation) S2V – Misrepresentation (i.e., Lying, Cheating or Plagiarism) S3V – Other School Code of Conduct Violation Not

					Otherwise Included (15% cap)
Robbery	Taking, or attempting to take, anything of value owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.	RO1	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-58 SDFSCA Report UMIRS	Sub-Categories Robbery (Using Force) RB1 – Actual Robbery RB2 – Attempted Robbery See also Burglary/ Theft
Stalking	Engaging in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury.	ST1 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1 §18.2.60.3	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Sexual Harassment	Unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment	SX0	Required to be reported regardless of sanction	SDFSCA Report UMIRS	
Sexual Battery Against Staff	Sexual battery against a staff member involves an offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse. Sexual battery is a Class I misdemeanor.	SB1 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §18.2-67.4	
Sexual Battery Against Student	Sexual battery against a student member involves an offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse. Sexual battery is a Class I misdemeanor.	SB2 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §18.2-67.4	
Sexual Offenses Against Staff Forcible Assault	Sexual penetration (e.g., oral, anal, or vaginal) against a staff member without consent.	SX3 Required to be reported to	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 §22.1-279.3:1(A) 8	

		law enforcement		8 VAC 20-560-10 SDFSCA Report 20 USC §7116 UMIRS	
Sexual Offenses Against Student Forcible Assault	Sexual penetration (e.g., oral, anal, or vaginal) against a student without consent. This category also includes statutory rape that is defined as sexual penetration with or without the consent of a minor.	SX4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC §7116 UMIRS	
Sexual Offenses Against Staff Attempted Forcible Assault	Attempted sexual penetration (e.g., oral, anal, or vaginal) against a staff member without consent.	SX5 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §Title 18.2 SDFSCA Report 20 USC §7116 UMIRS	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Sexual Offenses Against Student Attempted Forcible Assault	Attempted sexual penetration (e.g., oral, anal, or vaginal) against a student without consent, including statutory rape, or sexual penetration with or without the minor's consent.	SX6 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §22.1-279.3:1(A) §Title 18.2 SDFSCA Report 20 USC §7116 UMIRS	
Sexual Offenses Without Force	Lewd behavior, indecent exposure that includes sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat. Consider age, developmentally appropriate behavior, and disability status before using this category.	SX7 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A) SDFSCA Report	
Sexual Offense Aggravated Sexual Battery	Sexually abusing a victim less than thirteen years of age or accomplishing the act against the will of the victim by force, threat, intimidation, or through the use of the victim's mental incapacity or physical helplessness, and—the victim is at least thirteen but less than fifteen years of age, or the accused causes serious bodily or	SX8 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §22.1-279.3:1(A) §Title 18.2 SDFSCA Report 20 USC §7116	

	<p>mental injury to the victim, or the accused uses or threatens to use a dangerous weapon.</p> <p>Sexual abuse means an act committed with the intent to sexually molest, arouse, or gratify any person where the accused intentionally touches the victim's intimate parts or material directly covering such intimate parts; the accused forces the victim to touch the victim's own or another person's intimate parts or material directly covering such intimate parts; or the accused forces another person to touch the victim's intimate parts or material directly covering such intimate parts.</p>			UMIRS	
Sexual Offense Offensive Touching Against Staff	Improper physical contact against a staff that is offensive, undesirable, and/or unwanted as determined by the victim.	SX1	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1	Consensual touching (e.g., kissing, walking arm-in-arm) should not be reported even though such behavior may violate a local school policy. Consider age, developmentally appropriate behavior, and disability status before using this category.

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes
Sexual Offense Offensive Touching Against Student	Improper physical contact against a student that is offensive, undesirable, and/or unwanted as determined by the victim.	SX2	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1	Consensual touching (e.g., kissing, walking arm-in-arm) should not be reported even though such behavior may violate a local school policy. Consider age, developmentally appropriate behavior, and disability status before using this category.
School Threat Bomb Threat (Threat of Destruction or Harm)	Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, causing damage to a school building or school property, or harming students or staff. Intentionally making a false report of potential harm from dangerous chemicals or biological agents.	BB1 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-279.3:1(A) §18.2-212 SDFSCA Report UMIRS	<u>Sub-Categories</u> BO1 – Bomb Threat BO2 - Chemical/ Biological Threat BO3 – Terrorist Threat

Fire Alarm	Setting off a false fire alarm.	BO4	Required to be reported only if sanction is suspension or expulsion	<i>Code of VA</i> §22.1-279.3:1(A) §18.2-212 SDFSCA Report UMIRS	
Technology Use Violations/Use	Unauthorized violations of technology use according to the Acceptable Usage Policy.	T1C T2C T3C T4C	Required to be reported only if sanction is suspension or expulsion	<i>Code of VA</i> §22.1-279.6 SDFSCA Report UMIRS	<u>Sub-Categories</u> T1C – Unauthorized Use of Technology or Information T2C - Causing/Attempting to Cause Damage to Computer Hardware, Software or Files T3C – Violations of Acceptable Usage Policy T4C – Violations of Internet Policy
Threat/ Intimidation Against Staff	Unlawfully placing a staff member 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 attack. Consider age, developmentally appropriate behavior, and disability status before using this category.	TI1 Required to be reported to law enforcement	Required to be reported regardless of sanction	<i>Code of VA</i> §18.2-60 SDFSCA Report UMIRS	Also see Harassment-Non Sexual/ Hazing/School Threat/ Bullying
Offense Term	Definition	Report Codes	Disciplinary Reporting Requirements	Source of Requirements and Related Statute	Reference Notes
Threat/ Intimidation Against Student	Unlawfully placing a 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 attack. Consider age, developmentally appropriate behavior, and disability status before using this category.	TI2	Required to be reported regardless of sanction	<i>Code of VA</i> §18.2-60 SDFSCA Report UMIRS	

Theft Offenses (No Force)	Unlawfully taking, carrying, leading, or riding away property from the possession of another person. May include pocket picking, purse snatching, theft from building, theft of electronic data, theft from motor vehicle, or from coin-operated machines.	TH1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	<u>Sub-Categories</u> Theft Offenses (except motor vehicle) TF1- Theft of School Property TF2 -Theft of Staff Property TF3 - Theft of Student Property TF4 - Possession of Stolen Property
Theft Offense of a Motor Vehicle	Unlawfully taking, carrying, leading, or riding away a motor vehicle or the attempted theft of a motor vehicle. This category includes theft of a car, truck, motorcycle, dune buggy, snowmobile, RV, or anything that is self-propelled.	TH2	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	<u>Sub-Categories</u> Theft of a Motor Vehicle TF6 – Attempted Theft of Motor Vehicle
Tobacco Use Possession, Sale, Distribution	Possessing, using, distributing, or selling tobacco products, including smokeless tobacco, on school grounds, at school-sponsored events, and/or on school transportation.	TB1		SDFSCA Report UMIRS	<u>Sub-Categories</u> TC1 – Tobacco Use TC2 – Tobacco Possession TC3 – Tobacco Sales/Distribution
Tobacco Paraphernalia	Bringing tobacco paraphernalia to school or to a school event.	T4B	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Electronic Cigarette	Possessing, using, distributing, or selling electronic cigarettes or paraphernalia, on school grounds, at school-sponsored events, and/or on school transportation	TB2	Required to be reported regardless of sanction	<i>Code of VA</i> §22.1-79.5	
Trespassing	Entering or remaining on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave.	TR1	Required to be reported only if sanction is suspension or expulsion	<i>Code of VA</i> §18.2-128 SDFSCA Report UMIRS	
Offense Term	Definition	Report Codes	Disciplinary Reporting Requirements	Source of Requirements and Related Statute	Reference notes
Vandalism	Willfully and/or maliciously destroying, damaging or defacing public or private property without the consent of the owner or the person having custody or control of it. This category includes graffiti.	VA1	Required to be reported only if	<i>Code of VA</i> §18.2-128 SDFSCA Report UMIRS	<u>Sub-Categories</u> VN1 – Vandalism of School Property

			sanction is suspension or expulsion		VN2 – Vandalism of Private Property VN3 – Graffiti
Weapon (1) Firearm Handgun/ Pistol	Possessing or bringing a handgun or pistol to school or to a school-sponsored event.	WP1 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-308.1 (B) §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-260 GFSA 20 USC §7151 UMIRS	Automatic expulsion. May be modified by LEA, in accordance with federal and state guidelines.
Weapon (2) Firearm Shotgun/ Rifle	Possessing or bringing a rifle/shotgun to school or a school-sponsored event.	WP2 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-308.1 (B) §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-260 GFSA 20 USC §7151 UMIRS	Automatic expulsion. May be modified by LEA, in accordance with federal and state guidelines.
Weapon (3) Expels a Projectile	Possessing or bringing to school or a school-sponsored event any weapon designed to expel a projectile or that may readily be converted or modified manufactured guns to expel a projectile by the action of an explosive device.	WP4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-308.1 (B) 8 VAC 20-131-260 GFSA UMIRS	This definition does not include BB guns or pneumatic weapons. See WP0.
Weapon (4) Knife	Possessing or bringing to school or a school-sponsored event any sharp-edged instrument that is classified as a knife with a blade of three inches or more.	WP5	Required to be reported if charges are filed	BOE-PDS Policy 8 VAC 20-131-270 §22.1-279.3:1 §18.2-301.1	
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes

Weapon (5) Other Firearms	Possessing or bringing any other weapon that will, or is designed to, expel a projectile by the action of an explosive to school or a school event. This includes firearms not mentioned previously (operable or inoperable, loaded or unloaded) such as, but not limited to, a zip or starter gun.	WP8 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-260 GFSA 20 USC §7151 UMIRS	These definitions may include automatic weapons or semi-automatic weapons other than shotgun/rifle, or handgun, such as an XM8.
Weapon (6) Other Weapon	Possessing or bringing any weapon, instrument, or object that is designed to or may readily be converted to inflict harm on another person to school or a school event. (i.e., golf club, baseball bat, chains, nunchakas, or billy club)	WP9 Required to be reported to law enforcement	Required to be reported regardless of sanction	8 VAC 20-131-270 <i>Code of VA</i> §18.2-308.1 (A) UMIRS	
Pneumatic Weapon (BB Gun)	Possessing or bringing any pneumatic gun or rifle that is air powered to school or a school event. A pneumatic gun or rifle includes a BB, paint ball, or pellet gun.	WP0 Required to be reported to law enforcement	Required to be reported regardless of sanction	8 VAC20-121-260 <i>Code of VA</i> §15.2-915.4	
Possession of Explosive Device	Possessing or representing any weapon that explodes or is designed to or may readily be converted to explode.	WP6 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-433.1 §22.1-279.3:1(A) 8 VAC 20-131-260 GFSA	
Use of Bomb or Explosive Device	Using any weapon that is designed to explode with the use of a triggering device or by a chemical reaction that causes an explosion.	WP7 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy <i>Code of VA</i> §18.2-85 §18.2-433.1 §22.1-279.3:1(A) 8 VAC 20-131-260	
Possession of Ammunition	Possession of any type of ammunition. Ammunition means ammunition or cartridges, cases, primers, bullets, or propellant powder designed for use in any firearm.	W1P	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report USC §18.921-17 UMIRS	W1P – Bringing Ammunition to School or School Event.
Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements*	Source of Requirements and Related Statute	Reference Notes

Weapon/ Look-alike	Any device that looks like a real gun or is a toy gun (i.e., water pistols). Category also includes look-alike weapons.	W3P	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Weapon/ Chemical Substance	Possessing or bringing to school or a school-sponsored event any substance used as a weapon. The substance would include mace, tear gas, or pepper spray.	W2P	Required to be reported regardless of sanction	UMIRS	
Possible Weapons	Possessing knife less than three inches, razor blades, box cutters, fireworks, firecrackers, or bringing stink bombs to school or a school event.	W8P W9P	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	W8P – Bringing Razor Blades/Box Cutters/ Less than 3 inch blade knife to School or School Events. W9P – Bringing Fireworks, Firecrackers, or Stink Bombs to School or School Event.
Possession of Taser Gun	Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or another charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person.	WT1	Required to be reported regardless of sanction	<i>Code of VA</i> § 18.2-308.1(A) § 22.1-277.07 SDFSCA Report	
Possession of Stun Gun	Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge that exceeds the equivalency of five milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.	WS1	Required to be reported regardless of sanction	<i>Code of VA</i> § 18.2-308.1(A) § 22.1-277.07 SDFSCA Report	

*The disciplinary reporting requirements indicate if the offense is required by law and/or be reported to the Virginia Department of Education regardless of the disciplinary sanction or if the offense is in violation of the school code of conduct and must be reported if a student is suspended or expelled as required by the federal *Safe and Drug-Free and Communities Act (SDFSCA)*.

DISCIPLINE SANCTION CODES

Use the following codes to indicate the sanction imposed upon a student as a result of a disciplinary offense.

Sanction	Days	Conditions
01	Minimum of one day, not limited	In-School Suspensions (½ day or more equals a whole day)
02	1-10	Short-Term Out of School-All Codes
03	11-45	Long-Term Out of School-All Codes
04	364	Expulsion-All Codes
05	1-45	Interim Placement- Drugs, Weapons, and Serious injury-DR1, DR2, DR3, DR4, DR5, WP1, WP2, WP4, WP5, WP6, WP7, WP8, WP9, BA5. Special Education Only
06	1-45	Court Appointed Hearing Officer by Virginia Supreme Court. Special Education Only
07	0-364	Applies to DR1, DR4, WP1, WP2, WP4, WP6, WP7, WP8
99	0	Applies to any discipline not defined in codes 02 through 07

SANCTIONS/DAYS CODES

Report the total number of days a student is suspended or expelled for his/her offense using the following codes. Please note, if the student has violated a required offense code, but the discipline sanction “99” the incident must be reported.

Code Number	Description of Discipline Sanction
01	For all students receiving an in-school suspension. (½ day or more equals a whole day)
02	Short-term suspensions are defined as a single suspension of ten days or less.
03	Long-term suspensions are defined as a single suspension of eleven days up to 45 days.
04	Expulsion is defined as a single expulsion for 365 calendar days. This may be either a permanent expulsion or a 365-day removal from school. Any student may be placed in alternative placement.
05	Special education interim alternative placement – report those incidents in which school personnel, not the IEP team, order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting (for not more than 45 school days) for an offense involving weapons, drugs, or serious bodily harm.
06	Special education interim alternative placement – report those incidents in which an impartial hearing officer, appointed by the Supreme Court of Virginia, orders the removal of children with disabilities from their current educational placement to an appropriate alternative education setting for not more than 45 days. This decision is based on the hearing officer’s determination that the public agency has demonstrated by substantial evidence that maintaining the child’s current placement is substantially likely to result in injury to the child or to others.
07	Use for drugs and weapon offenses WP1, WP2, WP4, WP6, WP7, WP8, DR1, and DR4 which involve 0-364 days to indicate that expulsion was modified.
99	Use for any discipline not defined in codes 02 through 07. This may include, bus suspension, or Saturday detention. No days are reported for a sanction “99.” Depending on the offense code used in conjunction with the sanction dictates whether the sanction “99” is reported.

OFFENSE CODES REQUIRING VICTIM COUNTS

The offense codes listed in the table below require a victim count due to the nature of the offense. Therefore, any offense reported using one of these codes must also include the number of victims.

Offense Code	Name of Offense
BA1	Assault/Battery With Firearm or Other Weapon Against Staff
BA2	Assault/Battery With No Firearm or Weapon Against Staff
BA3	Assault/Battery With Firearm or Other Weapon Against Student
BA4	Assault/Battery With No Weapon Against Student
BA5	Malicious Wounding Without a Weapon
BA6	Assault/Battery Without Bodily Injury
BU1	Bullying
BU2	Cyber Bullying
EX1/ET1	Extortion
ET2	Attempted Extortion
HO1	Homicide Against Staff With Firearm
HO2	Homicide Against Student With Firearm
HO3	Homicide Against Staff With Other Weapon
HO4	Homicide Against Student With Other Weapon
HR1	Harassment, Non-sexual (Physical, Verbal or Psychological)
H1Z	Hazing
KI1	Kidnapping
RB1	Actual Robbery
RB2	Attempted Robbery
RO1	Robbery
SB1	Sexual Battery Against Staff
SB2	Sexual Battery Against Student
ST1	Stalking

SX0	Sexual Harassment
SX1	Sexual Offense Offensive Touching Against Staff
SX2	Sexual Offense Offensive Touching Against Student
SX3	Sexual Offenses Against Staff Forcible Assault
SX4	Sexual Offenses Against Student Forcible Assault
SX5	Sexual Offenses Against Staff Attempted Forcible Assault
SX6	Sexual Offenses Against Student Attempted Forcible Assault
SX7*	Sexual Offenses Without Force (consensual)
SX8	Aggravated Sexual Battery
TH1	Theft Offenses (No Force)
TF1	Theft/School Property
TF2	Theft/Staff Property
TF3	Theft/Student Property
TF4	Possession of Stolen Property
TH2/TF6	Theft Offense of a Motor Vehicle
TI1	Threat/Intimidation Against Staff (Physical or Verbal)
TI2	Threat/Intimidation Against Student

* This code may or may not require a victim count depending upon the circumstances.

Levels of Progression for School Bus Violations

Proper bus behavior is critical to the safe operations of school buses. The principal or designee shall implement the following progressive levels of bus discipline when a student is in transit to/from school on the bus or at a bus stop. If a student's conduct is dangerous or threatens his/her safety or the safety of others, then a more severe disciplinary response may be needed.

Level 1 – For a student's first bus, staff may:

- use a reflection sheet
- assign the student to a specific seat while on the bus
- provide counseling/mediation or use PBIS for two or more students experiencing a conflict
- call the student's parent/guardian
- hold a conference with the student and parent/guardian

Level 2 – If the interventions initially used do not work, or if the severity of a student's behavior merits a more intensive response, staff may:

- use a behavior chart
- give an administrative warning
- hold an administrative conference with student and parent/guardian
- issue detention or lunch detention

Level 3 – If previously used interventions do not work or if the severity of the student's behavior merits a more intensive response, an administrator may:

- hold a conference with the student and parent/guardian
- issue an administrative detention
- remove the student from the bus for 1-3 days
- ask for restitution

Level 4 – Removal from the bus for 3-10 days or for an entire grading period. Used if progressive levels have not worked or if the severity of the behavior merits a more intensive response.

Level 5 – Loss of bus privileges. Used if progressive levels have not worked or if the severity of the behavior merits a more intensive response.

2018-2019 Bus Discipline Code, Definition and Disposition

CODE	VIOLATIONS	DEFINITION	DISPOSITION	DICIPLINE LEVEL
SBV1	Out of Seat	Persons not sitting or sitting partially outside of the school bus seats are not afforded the occupant protection provided by the school bus seats.	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5
SBV2	Physical contact	Improper contact against a student that is undesirable and/or unwanted by the victim. Normally seen in K-3 grades "keeping students hands to themselves."	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5
SBV3	Eating on bus	Eating and drinking on the school bus are prohibited for the following safety reasons: <ul style="list-style-type: none"> • Some students have severe allergies • Potential choking hazard • Leftover food and drink will cause a mess 	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5
SBV4	Throwing objects	Throwing objects on a bus could cause injury to another student or driver and will also distract the driver who will then have to focus on the behavior inside of the bus.	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5
SBV5	Horseplay	Activities such as joking that includes playing around, grabbing, tussling around and playfighting.	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5
SBV6	Getting off at the wrong stop	Students must get off the bus at their regular stop unless a parent/guardian has requested that a student get off at a different stop and the Principal or designee has approved the request.	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5

SBV7	Delaying bus schedule	Students should arrive at their bus stop five minutes before the scheduled time for the bus to arrive.	Discretion of Principal/Transportation Director Consequences range from a warning to loss of riding privileges.	Level 1, 2, 3, 4 or 5
-------------	------------------------------	--	---	------------------------------

Discipline Letters

Discipline letters mailed to parents must contain specific information as contained in the discipline letter templates. Discipline Letter templates are in this document and on the LCPS Intranet under The Office of School Administration.

Always refer to the letters on the Intranet site for the most up to date versions.

When writing the discipline letter, describe what happened instead of using the discipline code to describe the incident. For example, *Johnny hit another student in the face with his fist several times*, instead of *Johnny assaulted another student*.

Principal's Recommendation Letter to the Superintendent's Designee

Principals may suspend a student for up to ten days. Any suspension from school for more than ten days must be made in the form of a recommendation to the Division Superintendent's designee (Virginia C. Patterson, Ph.D., Director, Office of School Administration). When writing this letter, please use the following guidelines:

1. Your School Letterhead
2. Memo Format:

To: Virginia C. Patterson, Ph.D.
Superintendent's designee

From: Principal

Date:

Subject: Letter of Recommendation for Additional Disciplinary Action

3. **Paragraph #1:** Include a description of the student and incident. "On <date>, <student name> did this....."
If there is a weapon involved, was it brandished? Was it used to threaten? Did the student have the opportunity to turn it in under the "safe harbor" rule?
If drugs, was the student under the influence, only in possession, trying to give away or sell?

4. **Paragraph #2:** Include any background information about the student. For example, total number of incidents, academic status, attendance, etc.

5. **Paragraph #3:**

This is the paragraph where you recommend to the Superintendent's designee a particular action that is more than the 10 days of suspension you have already given. If the offense was one where you are finding special circumstances in lieu of expulsion, you must write, "I am requesting Special Circumstances in lieu of expulsion by asking that <student> be

- Long Term Suspended for <amount of time>
- placed in SAEP
- placed in Middle School Transition program for <amount of time>
- other..."

6. If you are seeking an alternative setting for a student with disability, then you should write: "I am recommending that <Student Name> be Long Term Suspended for <amount of time>, and that the IEP Committee be convened to determine the services for <Student Name's> educational needs."

All documentation, as indicated on the checklist found on the next page, must accompany the recommendation letter to the superintendent's designee. Please refer to the LCPS Intranet Website for the most current listing of required documentation.

If a student is suspended for 10 days or more, a packet is due to the Office of School Administration

DUE ON DAY 3 OF SUSPENSION

Checklist- Discipline Packets Sent to the Office of School Administration

Student Name: _____ ID#: _____ Grade: _____

- _____ Memo from **principal** to Dr. Patterson with recommendation for action
- _____ Timeline/Outline of investigation procedures (Written by the principal – outline of the investigation conducted; note what happened and when.)
- _____ Suspension letter from principal or assistant principal to parents
- _____ Manifestation determination documentation (if applicable)
- _____ Student Profile Report (Phoenix STU201) –address, DOB and ID#
- _____ Documentation of school staff’s efforts to work with the student
- _____ Suspended student’s statement or documentation why such statement is unavailable
- _____ Witness statements (if applicable)
- _____ Student report card (Phoenix GRD201)
- _____ Interim reports
- _____ Student Transcript (Phoenix STU204)
- _____ Daily Attendance Profile (Phoenix ATD201)
- _____ Student Discipline Profile Report (Phoenix IDS201) Run with ‘Show Full History’ option checked **Please send original**
- _____ Acknowledgement of receipt of “Student Rights/Responsibilities” book
- _____ Evidence photos (if applicable)
- _____ Other

Loudoun County Public Schools Discipline Letter Guide

Offense Category	Letter	Letter Originator	Description of Letter
Alcohol Offenses: <ul style="list-style-type: none"> Under the Influence Possession 	Alc.1	Principal/Assistant Principal	First alcohol offense: 7 days OSS followed by a three-day Substance Use Education Class.
	Alc.2	Principal/Assistant Principal	Second alcohol offense: 10 days OSS followed by an assignment to the 10-day Substance Use Education Program – three days of which are the Substance Use Education Class.
	Alc.3	Principal/Assistant Principal	3+ Offense: 10 days OSS and recommendation for additional consequences.
Drug Violations: <ul style="list-style-type: none"> Possession Under the Influence- describe physical characteristics being displayed by student – <i>i.e. slurred speech, not able to walk or stand, not able to make eye contact</i> Possession of Paraphernalia Distribution 	D.1	Principal/Assistant Principal	First violation of School Board Policy 8240 as it relates to drugs: 7 days OSS followed by a three-day Substance Use Education Class.
	D.2	Principal/Assistant Principal	Distribution and/or second violation of School Board Policy 8240 as it relates to drugs: 10 days OSS and a recommendation for the 10-day Substance Use Education Program – three days of which are the Substance Use Education Class.
General/Minor Violation Suspensions: 10-day or less suspension with or without an additional recommendation	Susp.1	Principal/Assistant Principal	General discipline letter for 1 to 10 days out-of-school suspension with the option to return to regular attendance or to return to school with a meeting.
	Susp.2	Principal/Assistant Principal	General discipline letter for 10 days OSS and a recommendation for additional consequences.
Very Serious, Substantive Threat as determined by a threat assessment team	Susp.2TA	Principal/Assistant Principal	Letter to parent for a very serious, substantive threat as determined by a threat assessment team; 10 days OSS with additional consequences being recommended. A mental health evaluation is required.
Principal Review	PR.1	Principal	Used when parents meet with the principal and the principal upholds or modifies the assistant principal's action.
Weapon Violations: <ul style="list-style-type: none"> Category A Category B 	WCatA.1	Principal/Assistant Principal	Category A weapon offense with a 10 day out-of-school suspension and a recommendation for additional consequences.
	WCatA.2	Principal/Assistant Principal	Category A weapon offense with a 10 day out-of-school suspension with a recommendation for expulsion.
	WCatB.1	Principal/Assistant Principal	Category B weapon offense with a 10 day out-of-school suspension with a recommendation for further action.
Crimes in the Community	CITC.P	Principal	Letter to parent stating a recommendation for alternative placement.

ADMINISTRATIVE DISCIPLINE TEMPLATES

Assistant Principal Letters

Parents may appeal suspensions issued by an assistant principal to the building principal or to the Office of School Administration for second violations or distribution. Templates are provided on the following pages; however, please consult the Office of School Administration Intranet site for the latest templates: <http://www.intranet.lcps/Lev1.aspx?s=ins&s1=sao>.

Letters can vary in length depending on the level of detail. Please ensure that all components of the template are included and that the letter designation (for example, Alc.1/AP) is on the bottom of the page.

Alc.1	First alcohol offense. Seven days out-of-school suspension. A three-day Substance Use Education Class follows this suspension as soon as practical. The Student Assistance Services Specialist schedules the class. The three days of this class do not count as suspension days.
Alc.2	Second alcohol offense. Ten days out of school suspension. Ten days assigned to the Substance Use Education Program – three days of which are the Substance Use Education Class. The Student Assistance Services Specialist schedules the class. The ten-day program does not count as suspension.
D.1	First drug offense <i>without distribution</i> . Seven days out of school suspension. A three-day Substance Use Education Class follows this suspension as soon as practical. The Student Assistance Services Specialist schedules this class. The three days of this class do not count as suspension days.
D.2	Second drug offense or a first offense that also includes distribution. Ten days out of school suspension. Ten days assigned to the Substance Use Education Program – three days of which are the Substance Use Education Class.
Susp.1	General suspension letter for 1 day up to and including 10 days out-of-school suspension.
Susp.2	General suspension letter for a 10 day out-of-school suspension with additional consequences recommended.
Susp.2TA	Letter to parent resulting from <i>a very serious, substantive threat as determined by a threat assessment team</i> . Suspension of 10 days with additional consequences recommended. A <i>mental health evaluation is required</i> .

WCatA.1	Suspension of 10 days; principal to make a recommendation for expulsion or special circumstances.
WCatA.2	Suspension of 10 days; principal to make a recommendation for expulsion or special circumstances.
WCatB.1	Suspension of 10 days; principal to make a recommendation for additional consequences/or long-term suspension.
Tobacco/E-Cigarette 1	In-School Restriction of three days.
Tobacco/E-Cigarette 2	3 days OSS.
Tobacco/E-Cigarette 3	5 Days OSS and assignment to the Substance Use Education Class.

Alc.1 Sample Letter from Assistant Principal - Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for seven days beginning [give start date] through [give end date] for the following reason:

First violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to alcohol. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of alcohol or in possession of alcohol, or both. If you state that the student was under the influence of alcohol, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the items that the student had in his/her possession.*]

Holidays or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Upon completing this suspension, [student's name] will be assigned to the three-day Substance Use Education Class at Douglass School in Leesburg. The Student Assistance Services Supervisor will contact you with information regarding the class and specific attendance dates.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
Name, Supervisor, Student Assistance Services
Name, Director, Special Education (if a special education student)
Name, School Principal
Name, School Guidance Office

Alc.1/AP

Alc.2 Sample Letter from Assistant Principal – Use for Second Alcohol Offense - Place on School Letterhead

[Date]

[Parent(s) Name(s)]
[Address]
[City, State, Zip]

RE: [Student's Name]
Student ID:
Grade: 12 / Birthdate:
[MM/DD/YYYY]

Dear [name(s) of parent(s) or guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten school days beginning [give start date] through [give ending date] for the following reason:

Second violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to alcohol. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of alcohol or in possession of alcohol, or both. If you state that the student was under the influence of alcohol, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the items that the student had in his/her possession.*]

Holidays or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Students possessing, distributing, or under the influence of alcohol while on school property, including school buses or during any school sponsored activity at any time receive consequences as outlined in the administrative regulation of Policy 8240. After careful review of this incident, I have found special circumstances to exist and I recommend assignment of [student's name] to the Substance Use Education Program for ten days at Douglass School after completion of the initial ten-day out of school suspension. Three of days of the 10-day program are comprised of the Substance Use Education Class. Marianne Turner, Principal, Douglass School will contact you to establish the date and time for an intake appointment that [student's name] and at least one parent will need to attend. Loudoun County Public Schools provides transportation to this program.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools (except to be transported to and from Douglass school as arranged by Transportation) and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the**

imposition of the suspension or review. If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the discipline incident or this letter, please contact me at [give school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Ms. Marianne Turner, Principal, Douglass School
 Ms. Jennifer Wall, Supervisor, Student Assistance Services
 Dr. Suzanne Jimenez, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

Alc.2/AP

D.1 Sample Letter from Assistant Principal-First Offense (without distribution)

Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for seven school days beginning [give start date] through [give ending date] for the following reason:

First violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to drugs. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of a drug (name the drug) or in possession of a drug (name the drug), or both. If you state that the student was under the influence, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the drug(s) that the student had in his/her possession.*]

Holidays or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Upon completing this suspension, [student's name] will be assigned to the three-day Substance Use Education Class at Douglass School in Leesburg. The Student Assistance Services Supervisor will contact you with information regarding the class and specific attendance dates.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

D.1/AP

Sample Letter from AP

Second Drug Offense (or a first offense where distribution is also involved)

Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten school days beginning [give start date] through [give ending date] for the following reason:

Second violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to drugs. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of a drug (name the drug) or in possession of a drug (name the drug), or both. If you state that the student was under the influence, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the drug(s) that the student had in his/her possession.*]

Holidays or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Upon completing this suspension, [student's name] will be assigned to the ten-day Substance Use Education Program at Douglass School in Leesburg. Marianne Turner, Principal of Douglass School will contact you to establish the date of an intake meeting that you will need to attend with your [son/daughter].

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [give school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Mrs. Marianne Turner, Principal, Douglass School
 Mrs. Jen Wall, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

D.2/AP

Susp.1 Sample Letter from Assistant Principal –OSS of 10 Days or Less

Place on School Letterhead

[Date]

[Name(s) of Parent(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate:
[MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for [number of days] beginning [give start date] through [give ending date] for the following reason(s):

[Insert reason(s) here; state the student's actions clearly and in detail.]

Before [student's name] may be readmitted to school, you must [call me/meet with me] to discuss improvement of [his/her] behavior. I may be reached at [telephone number]. If the meeting is held before the expiration of the suspension, [student's name] will be expected to return to school on the first school day following the last day of the suspension. If the meeting is held after the expiration of the suspension, [student's name] will be expected to return to school on the first school day following the last day of the suspension.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

While suspended, [student name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the office of the principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [give school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Elementary, Middle or High] School Education
 Name, Director, Special Education (*if a special education student*)
 Name, School Principal
 Name, School Guidance Office

Susp.1/AP

Susp.2 Sample Letter from Assistant Principal for Suspension of 10 Days- Plus Additional Action

Place on School Letterhead

[Date]

[Name(s) of Parent(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten days beginning [give start date] through [give ending date] for the following reason(s):

Specifically, [Begin with the complete date of the infraction; then state the student's actions clearly and in detail.]

The school principal has the authority to recommend to the superintendent's designee that following the ten-day suspension, [student's name] will be long-term suspended, involuntarily transferred or the principal can select another disposition. A copy of the principal's recommendation will be sent to you by the principal.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact Virginia C. Patterson, Ph.D., the Superintendent's designee at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Virginia C. Patterson, Ph.D., Director, Office of School Administration
Name, Director, [Elementary, Middle, or High] School Education
Name, Director, Special Education (if a special education student)
Name, School Principal
Name, School Guidance Office

Susp.2/AP

*Sample Letter from Assistant Principal –Use for **Very Serious, Substantive Threat***

Place on School Letterhead

[Date]

[Name(s) of Parent(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten school days beginning [give start date] through [give ending date] for the following reason:

[Begin with the complete date of the infraction. Then state clearly and in detail the student's action(s).]

A threat assessment was conducted as part of the investigation of this incident. The threat assessment team determined that [student's name] made a very serious threat. As a condition of the suspension, [student's name] must undergo an assessment by Loudoun County Emergency Services and a mental health evaluation by the Loudoun County Court and Correctional Services Program.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

The school principal has the authority to recommend to the superintendent's designee that following the ten-day suspension, [student's name] will be long-term suspended, involuntarily transferred or the principal can select another disposition. A copy of the principal's recommendation will be sent to you by the principal.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact Virginia C. Patterson, Ph.D., the Superintendent's designee at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Virginia C. Patterson, Ph.D., Director, Office of School Administration
Name, Director, [Elementary, Middle, or High] School Education
Name, Director, Special Education (if a special education student)
Name, School Principal
Name, School Guidance Office

TA.2/AP

WCatA.1 Sample Letter from Assistant Principal for suspension of 10 Days

with Additional Measures-Place on School Letterhead

[Date]

[Name(s) of Parent(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: [12]/ Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for 10 days beginning [give start date] through [give ending date] for the following reason(s):

Violation of School Board Policy §8-32, Weapons. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.]

Holidays or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Policy §8-32 requires that students possessing a Category A weapon be expelled from school unless it is determined that special circumstances exist and that other disciplinary actions may be appropriate. The school principal has the authority to recommend to the superintendent's designee that following the ten-day suspension, [student's name] will be long-term suspended, involuntarily transferred or the principal can select another disposition. A copy of the principal's recommendation will be sent to you by the principal.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

WCatA.1/AP

*WCatA.2 Sample Letter from Assistant Principal – 10 Days OSS + Recommendation for
Expulsion*

Place on School Letterhead

[Date]

[Name(s) of Parent(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: [12]/ Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten days beginning [give start date] through [give ending date] for the following reason(s):

Violation of School Board Policy §8-32, Weapons. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.]

Policy §8-32 requires that students possessing a Category A weapon be expelled from school unless it is determined that special circumstances exist and that other disciplinary actions may be appropriate. The school principal has the authority to recommend to the superintendent's designee that following the ten-day suspension, [student's name] will be long-term suspended, involuntarily transferred or the principal can select another disposition. A copy of the principal's recommendation will be sent to you by the principal.

Please note, the School Board or Superintendent may choose a different action from the principal's recommendation including long-term suspension or involuntary transfer. You will receive additional information from the Superintendent's designee, Office of School Administration.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Holidays or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

WCatA.2/AP

*WCatB.1 Sample Letter from Assistant Principal for suspension of 10 Days with LTS or
Additional Measures – Place on School Letterhead*

[Date]

[Name(s) of Parent(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: [12]/ Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten days beginning [give start date] through [give ending date] for the following reason(s):

Violation of School Board Policy §8-32, Weapons. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.].

Policy §8-32 requires that students possessing a Category B weapon be expelled from school unless it is determined that special circumstances exist and that other disciplinary actions may be appropriate. The school principal has the authority to recommend to the superintendent's designee that following the ten-day suspension, [student's name] will be long-term suspended, involuntarily transferred or the principal can select another disposition. A copy of the principal's recommendation will be sent to you by the principal.

Please note, the School Board or Superintendent may choose a different action from the principal's recommendation including long-term suspension or involuntary transfer. You will receive additional information from the Superintendent's designee, Office of School Administration.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances and holidays do not count toward completing the assigned out of school suspension.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may appeal this action by filing a written notice of appeal to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written appeal within the prescribed time, you waive your right to appeal.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

WCatB.1/AP

Tobacco/Electronic Cigarette Sample Letter from Assistant Principal – First Violation -Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am assigning your [son/daughter], [name], to in-school restriction for three days beginning [give start date] through [give end date] for the following reason:

First violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes related to the use or possession of [tobacco] [electronic cigarettes]. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *For possession describe in detail the items that the student had in his/her possession.*]

Please note, suspension can result if [student's name] continues to commit acts as specified in School Board Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

TOBACCO/E-CIGARETTE/VAPE POSSESSION-USE/FIRST VIOLATION/AP

Tobacco/Electronic Cigarette Sample Letter from Assistant Principal – Second Violation - Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for three days beginning [give start date] through [give end date] for the following reason:

Second violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to the use or possession of [tobacco] [electronic cigarettes]. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *For possession describe in detail the items that the student had in his/her possession.*]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Please note, additional suspension can result if [student's name] continues to commit acts as specified in School Board Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may request a review of this action by submitting written notice to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written request within the prescribed time, you waive your right to a review.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

Tobacco/Electronic Cigarette Sample Letter from Assistant Principal – Third Violation- Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for five days beginning [give start date] through [give end date] for the following reason:

The third violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to the use or possession of [tobacco] [electronic cigarettes]. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *For possession describe in detail the items that the student had in his/her possession.*]

Upon completion of the five-day, out-of-school suspension, your [son/daughter] will be assigned to the three-day, Substance Use Education Class sponsored by Loudoun County Public Schools. You will be contacted by the Supervisor of Student Assistance Services with information and dates for this class.

Regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances and holidays do not count toward completing the assigned out of school suspension.

Please note, additional suspension can result if [student's name] continues to commit acts as specified in School Board Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You may request a review of this action by submitting written notice to the school principal within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.** If you do not file a written request within the prescribed time, you waive your right to a review.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Assistant Principal's Name]

Assistant Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

TOBACCO/E-CIGARETTE/USE-POSSESSION 3/AP

Discipline Letters - Principals

Parents may request a *review* of the following decisions issued by a principal by submitting a written request to the Superintendent's designee within two administrative days of receiving the principal's suspension letter.

The Office of School Administration sends materials to parents in cases of suspension greater than 10 days.

These materials contain instructions regarding requesting a *formal hearing* conducted by the Discipline Committee of the School Board. The following pages of this guide contain principal letter templates; however, the latest templates are found on the School Administration Intranet site:

<http://www.intranet.lcps/Lev1.aspx?s=ins&s1=sao>.

Letters can vary in length depending on the level of detail. Please ensure that all components of the template are included and that the letter designation (for example, Alc.1/PRINCIPAL) is on the bottom of the page.

Alc.1	First alcohol offense. Seven days out-of-school suspension. A three-day Substance Use Education Class follows this suspension as soon as practical. The Student Assistance Services Specialist schedules the class. The three days of this class do not count as suspension days.
Alc.2	Second alcohol offense. Ten days out of school suspension. Ten days assigned to the Substance Use Education Program – three days of which are the Substance Use Education Class. The ten days of the program do not count as suspension days.
D.1	First drug offense <i>without distribution</i> . Seven days out of school suspension. A three-day Substance Use Education Class follows this suspension as soon as practical. The Student Assistance Services Specialist schedules this class. The three days of class do not count as suspension days.
D.2	Second drug offense or a first offense that also includes distribution. Ten days out of school suspension. Ten days assigned to the Substance Use Education Program – three days of which are the Substance Use Education Class. The ten days of the program do not count as suspension days.
Susp.1	General suspension letter for 1 day up to and including 10 days out of school suspension.
Susp.2	General suspension letter for a 10 day out-of-school suspension with additional consequences recommended.

Susp.2TA	Letter to parent resulting from <i>a very serious, substantive threat as determined by a threat assessment team</i> . Suspension of 10 days with additional consequences recommended. <i>A mental health evaluation is required.</i>
WCatA.1	Suspension of 10 days and principal recommendation for expulsion or special circumstances.
WCatA.2	Suspension of 10 days out-of-school suspension with a recommendation for expulsion.
WCatB.1	Suspension of 10 days and additional consequences/or recommendation for long-term suspension.
CITC.P	Letter to parent from principal with a recommendation for alternative placement.
PR.1	Letter to parent from principal; follows a request by the parent for a review of the assistant principal's discipline decision. Principal upholds, modifies or overturn's an assistant principal's decision.
Tobacco/E-Cigarette 1	In-School Restriction of three days.
Tobacco/E-Cigarette 2	3 days OSS.
Tobacco/E-Cigarette 3	5 Days OSS and assignment to the Substance Use Education Class.

Alc.1 Sample Letter from Principal

Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [Name], from school for seven days beginning [give start date] through [give ending date] for the following reason:

First violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to alcohol. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of alcohol or in possession of alcohol, or both. If you state that the student was under the influence of alcohol, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the items that the student had in his/her possession.*]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Upon completing this suspension, [Student's Name] will be assigned to the three-day Substance Use Education Class at Douglass School in Leesburg. The Student Assistance Services Supervisor will contact you with information regarding the class and specific attendance dates.

While suspended, [student name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [Student's Name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [give school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School, Assistant
 Name, School Guidance Office

Alc.1/PRINCIPAL

Alc.2 Sample Letter from Principal

Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [Name], from school for ten days beginning [give start date] through [give ending date] for the following reason:

A second violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to alcohol. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of alcohol or in possession of alcohol, or both. If you state that the student was under the influence of alcohol, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the items that the student had in his/her possession.*]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Upon completing the initial 10-day suspension, [Student's Name] will be assigned to the 10-day Substance Use Education Program, three days of which must be completed by attending the Substance Use Education Class at Douglass School in Leesburg. The principal of Douglass School will contact you to schedule an intake appointment for your [son/daughter] that one or both parents will also need to attend.

While suspended, [Student's Name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code of Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [Student's Name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [give school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Principal, Douglass School
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School, Assistant
 Name, School Guidance Office

Alc.2/PRINCIPAL

D.1 Sample Letter from Principal-First Offense

Place on School Letterhead

[Date]

[Parent(s) Name(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for seven school days beginning [give start date] through [give ending date] for the following reason:

First violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to drugs. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *As an example: the student was under the influence of a drug (name the drug) or in possession of a drug (name the drug), or both. If you state that the student was under the influence, describe the student's physical condition - speech, ability to walk or stand, etc. For possession describe in detail the drug(s) that the student had in his/her possession.*]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Upon completing this suspension, [student's name] will be assigned to the three-day Substance Use Education Class at Douglass School in Leesburg. The Student Assistance Services Supervisor will contact you with information regarding the class and specific attendance dates.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Please note, involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [give school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Assistant Principal
 Name, School Guidance Office

D.1/PRINCIPAL

D.2 Sample Letter from Principal – Use for Second Drug Offense, or First Offense Involving Distribution - Place on School Letterhead

[Date]

[Parent(s) Name(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten school days beginning [give start date] through [give ending date] for the following reason:

[Second] *or* [Distribution of drugs, in] violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Students possessing, distributing, or under the influence of drugs while on school property, including school buses or during any school sponsored activity at any time receive consequences as outlined in the administrative regulation of Policy 8240. After careful review of this incident, I have found special circumstances to exist and I recommend assignment of [Student's Name] to the Substance Use Education Program for ten days at Douglass School after completion of the initial ten-day out of school suspension. Three days of the 10-day program will consist of the Substance Use Education Class. Ms. Marianne Turner, Principal, Douglass School will contact you to schedule an intake appointment that [Student's Name] will need to attend with at least one parent.

While suspended, [Student's Name] is restricted from the buildings and grounds of all Loudoun County Public Schools (except to be transported to and from Douglass school as arranged by Transportation) and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Involuntary transfer to another school, long-term suspension or expulsion can result if [Student's Name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received by Dr. Patterson in the within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

Please note, the School Board or Superintendent's designee may choose a different action from my recommendation including long-term suspension, involuntary transfer or expulsion. If you have any questions regarding the discipline incident or this letter, please contact me at [give school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Ms. Marianne Turner, Principal, Douglass School
 Ms. Jennifer Wall, Supervisor, Student Assistance Services
 Dr. Suzanne Jimenez, Director, Special Education (if a special education student)
 Name, School Assistant Principal
 Name, School Guidance Office

D.2/PRINCIPAL

*Susp.1 Sample Letter from Principal–OSS of 10 Days or Less**Place on School Letterhead*

[Date]

[Parent(s) Name(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [name(s) of parent(s) or guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for [number of days] beginning [give start date] through [give ending date] for the following reason(s):

Specifically, on [insert date of infraction], your son/daughter violated School Board Policy [Note the School Board Policy and section violated].

Before [student's name] may be readmitted to school, you must [call me/meet with me] to discuss improvement of [his/her] behavior. I may be reached at [telephone number]. If the meeting is held before the expiration of the suspension, [student's name] will be expected to return to school on the first school day following the last day of the suspension. If the meeting is held after the expiration of the suspension, [student's name] will be expected to return to school on the first school day following the last day of the suspension.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received by Dr. Patterson in the within two administrative working days from the date of this letter or you waive your right to a review. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Elementary, Middle or High] School Education
 Name, Director, Special Education (*if a special education student*)
 Name, School Assistant Principal
 Name, School Guidance Office

Susp.1/PRINCIPAL

Susp.2 Sample Letter from Principal for Suspension of 10 Days- Plus Additional Action

Place on School Letterhead

[Date]

[Parent(s) Name(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [name(s) of parent(s) or guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for [number of days] beginning [give start date] through [give ending date] for the following reason(s):

Specifically, [Begin with the complete date of the infraction. State the School Board Policy violated and then state clearly and in detail the action(s) that violated the policy.]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

I am forwarding a recommendation to the Division Superintendent's designee that following the ten-day suspension [student's name] is to be [indicate long term suspension, involuntary transfer, or give another recommendation]. A copy of this recommendation is enclosed. You will receive additional information by certified mail from the Superintendent's designee, Office of School Administration.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact Virginia C. Patterson, Ph.D., the Superintendent's designee at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Superintendent's designee in advance for approval.

Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code of Virginia: Trespass after having been forbidden to do so.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have a right to request that my action be reviewed by the Superintendent's designee by filing a written request for review within two administrative days of receipt of this letter. Such a request should be sent to Virginia C. Patterson, Ph.D., Office of School Administration, 21000 Education Court, Ashburn, VA 20148. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Virginia C. Patterson, Ph.D., Director, Office of School Administration
Name, Director, [Elementary, Middle, or High] School Education
Name, Director, Special Education (if a special education student)
Name, School Assistant Principal
Name, School Guidance Office

Susp.2/PRINCIPAL

*Sample Letter from Principal –Use for **Very Serious, Substantive Threat-Place on School**
Letterhead*

[Date]

[Parent(s) Name(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for ten school days beginning [give start date] through [give ending date] for the following reason:

[Begin with the complete date of the infraction. Then state clearly and in detail the School Board Policy violated and the action(s) that violated the policy.]

A threat assessment was conducted as part of the investigation of this incident. The threat assessment team determined that [student's name] made a very serious threat. As a condition of the suspension, [student's name] must undergo an assessment by Loudoun County Emergency Services and a mental health evaluation by the Loudoun County Court and Correctional Services Program.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

I am forwarding a recommendation to the Division Superintendent's designee that following the ten-day suspension [student's name] is to be [indicate long term suspension or additional consequences] for [state length of time and give start and end dates]. A copy of my recommendation is enclosed. You will receive additional information from the Superintendent's designee, Office of School Administration.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact Virginia C. Patterson, Ph.D., the Superintendent's designee at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Superintendent's designee in advance for approval. Students found to be in violation of these rules will face additional disciplinary action, which may include the filing of charges in accordance with Section 18.2-119 of the Code Virginia: Trespass after having been forbidden to do so.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy 8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have a right to request that my action be reviewed by the Superintendent's designee by filing a written request for review within two administrative days of receipt of this letter. Such a request should be sent to Virginia C. Patterson, Ph.D., Office of School Administration, 21000 Education Court, Ashburn, VA 20148. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [give school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Virginia C. Patterson, Ph.D., Director, Office of School Administration
Name, Director, [Elementary, Middle, or High] School Education
Name, Director, Special Education (if a special education student)
Name, School Assistant Principal
Name, School Guidance Office

TA.2/PRINCIPAL

WCatA.1 Sample Letter from Principal for suspension of 10 Days with Additional Measures

—
Place on School Letterhead

[Date]

[Parent(s) Name(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: [12]/ Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for [number of days] beginning [give start date] through [give ending date] for the following reason(s):

Violation of School Board Policy §8-32, Weapons. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.]

Policy §8-32 requires that students possessing a Category A weapon be expelled from school unless it is determined that special circumstances exist and that other disciplinary actions may be appropriate.

I am forwarding a recommendation to the Division Superintendent's designee [that special circumstances exist, and I am recommending that Student Name be long term suspended from this school for *indicate term or state other disciplinary actions.*] [that Student Name be [expelled from this school and from all other Loudoun County public schools]]. A copy of my recommendation is enclosed. Additional information from the Superintendent's designee, Office of School Administration will be mailed to you. Please note, the School Board or Superintendent may choose a different action from my recommendation including long-term suspension or involuntary transfer. You will receive additional information from the Superintendent's designee, Office of School Administration.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received by Dr. Patterson within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Assistant Principal
 Name, School Guidance Office

WCatA.1/PRINCIPAL

*WCatA.2 Sample Letter from Principal – 10 Days OSS + Recommendation for Expulsion**Place on School Letterhead*

[Date]

[Parent(s) Name(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: [12]/ Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for [number of days] beginning [give start date] through [give ending date] for the following reason(s):

Violation of School Board Policy §8-32, Weapons. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.].

Policy §8-32 requires that students possessing a Category A weapon be expelled from school unless it is determined that special circumstances exist and that other disciplinary actions may be appropriate.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

I am forwarding a recommendation to the Division Superintendent's designee that [student's name] be [expelled from this school and from all other Loudoun County public schools]. A copy of my recommendation is enclosed. Additional information from the Superintendent's designee, Office of School Administration will be mailed to you. Please note, the School Board or Superintendent may choose a different action from my recommendation including long-term suspension or involuntary transfer. You will receive additional information from the Superintendent's designee, Office of School Administration.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. Dr. Patterson must receive any request for review in writing and within two administrative days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Assistant Principal
 Name, School Guidance Office

WCatA.2/PRINCIPAL

WCatB.1 Sample Letter from Principal for suspension of 10 Days with LTS or Additional Measures – Place on School Letterhead

[Date]

[Parent(s) Name(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: [12]/ Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for [number of days] beginning [give start date] through [give ending date] for the following reason(s):

Violation of School Board Policy §8-32, Weapons. Specifically, [Begin with the complete date of the infraction. Then state clearly and in detail the action(s) that violated the policy.].

Policy §8-32 requires that students possessing a Category B weapon be expelled from school unless it is determined that special circumstances exist and that other disciplinary actions may be appropriate.

I am forwarding a recommendation to the Division Superintendent's designee [that special circumstances exist, and I am recommending that Student Name be long term suspended from this school for *indicate term or state other disciplinary actions*.] [that Student Name be [expelled from this school and from all other Loudoun County public schools]. A copy of my recommendation is enclosed. Additional information from the Superintendent's designee, Office of School Administration will be mailed to you. Please note, the School Board or Superintendent may choose a different action from my recommendation including long-term suspension or involuntary transfer. You will receive additional information from the Superintendent's designee, Office of School Administration.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

While suspended, [student's name] is restricted from the buildings and grounds of all Loudoun County Public Schools and may not take part in any school activities. Please contact the Office of School Administration at 571-252-1570 regarding attendance at religious services held within a Loudoun County Public School building [or regarding access to a school used as a polling location for a student who is eligible to vote]. A student may enter school property for that limited purpose provided you contact [or if 18 years of age the student contacts] the Director of School Administration, Virginia C. Patterson, Ph.D., Superintendent's designee in advance for approval.

Involuntary transfer to another school, long-term suspension or expulsion can result if [student's name] continues to commit acts as specified in School Board Policy §8-27. State law also requires that each parent of a public school student assist the school in improving their [son's/daughter's] behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received by Dr. Patterson in the within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Assistant Principal
 Name, School Guidance Office

WCatB.1/ PRINCIPAL

Crimes in the Community - Sample Letter from Principal

Place on School Letterhead

[Date]

Parent/Guardian Name(s)

Mailing Address

Town, State ZIP

RE: [Student's Name]

DOB:

Grade:

Dear [Parent(s) or Guardian(s)]:

It has come to my attention that [Student's Name] has been charged with criminal offenses. Specifically, the charges are: [list out statutes and charges]. I will be forwarding a recommendation to the Superintendent's designee that [Student's Name] be placed in an alternative setting under the Crimes in the Community Statute 22.1-277.1.

At such time as the case is decided, we will make another determination for continued services, including the appropriate placement. I would ask that you communicate with us about the disposition of this case. I wish [Student's Name] well as [he/she] and your family work through this situation.

Sincerely,

[Principal's Name]

Principal, [School Name]

C: [Name, Superintendent's Designee]
 [Name, Director, [Middle or High] School Education]
 [Name, Director of Special Education (if a special education student)]
 [Name, School Counseling Office]

CITC.PRINCIPAL

*Sample Principal Letter for Parent Request for Review-Ten Days or Less
Suspension Originally Assigned by an Assistant Principal
Place on School Letterhead*

[Date]

[Parent(s) Name(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate:
[MM/DD/YYYY]

Dear [name(s) of parent(s) or guardian(s)]:

This letter is in response to your appeal of your [son's/daughter's] suspension from school. I have discussed the circumstances of this situation in detail with [administrator's name], who intervened and handled the case using appropriate administrative procedures. I have thoroughly reviewed the situation and the concerns you raised in your letter of appeal. [Describe your review. Note relevant information as permitted.]

I am never pleased when a student is suspended from school. However, we have clear expectations for student behavior. On [give date] your [son/daughter] [provide the facts of the incident]. These actions are a violation of [give policy] and resulted in [give discipline disposition].

The appropriateness of any suspension is determined by the events of the particular incident and the relative impact of the violation on the entire student body as well as the individual student.

After reviewing all the facts, I have decided to [uphold, reduce, whatever your decision is].

You have the right to request a review by filing a written request for review within two (2) school days of receipt of this letter. Such a request should be sent to the Superintendent's designee, Virginia C. Patterson, Ph.D., Office of School Administration, 21000 Education Court, Ashburn, VA 20148.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Elementary, Middle or High] School Education
 Name, Director, Special Education (if a special education student)
 Name, School Assistant Principal
 Name, School Guidance Office

PRINCIPAL REVIEW.1

*Tobacco/Electronic Cigarette Sample Letter from Principal – First Violation -
Place on School Letterhead*

[Date]

[Parent(s) Name(s) or Guardian(s)]
[Address]
[City, State, Zip]

RE: [Student Name]
Student ID:
Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am assigning your [son/daughter], [name], to in-school restriction for three days beginning [give start date] through [give end date] for the following reason:

First violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to the use or possession of [tobacco] [electronic cigarettes]. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *For possession describe in detail the items that the student had in his/her possession.*]

Please note, suspension can result if [student's name] continues to commit acts as specified in School Board Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal
 Name, School Guidance Office

*Tobacco/Electronic Cigarette Sample Letter from Principal – Second Violation
- Place on School Letterhead*

[Date]

[Parent(s) Name(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for three days beginning [give start date] through [give end date] for the following reason:

Second violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to possession or use of [tobacco] [electronic cigarettes]. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *For possession describe in detail the items that the student had in his/her possession.*]

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Please note, additional suspension can result if [student's name] continues to commit acts as specified in School Board Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education
 Name, Supervisor, Student Assistance Services
 Name, Director, Special Education (if a special education student)
 Name, School Principal

Name, School Guidance Office

TOBACCO/E-CIGARETTE/POSSESSION-USE 2/PRINCIPAL

*Tobacco/Electronic Cigarette Sample Letter from Principal – Third Violation -
Place on School Letterhead*

[Date]

[Parent(s) Name(s) or Guardian(s)]

[Address]

[City, State, Zip]

RE: [Student Name]

Student ID:

Grade: Birthdate: [MM/DD/YYYY]

Dear [Name(s) of Parent(s) or Guardian(s)]:

This letter is to notify you that I am suspending your [son/daughter], [name], from school for five days beginning [give start date] through [give end date] for the following reason:

The third violation of Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes as it relates to the use or possession of [tobacco] [electronic cigarettes]. Specifically, on [begin with the complete date of the infraction] your [son/daughter] [state clearly and in detail the action(s) that violated the policy. *For possession describe in detail the items that the student had in his/her possession.*]

Upon completion of the five-day, out-of-school suspension, your [son/daughter] will be assigned to the three-day, Substance Use Education Class sponsored by Loudoun County Public Schools. You will be contacted by the Supervisor of Student Assistance Services with information and dates for this class.

Holidays, or regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out of school suspension.

Please note, additional suspension can result if [student's name] continues to commit acts as specified in School Board Policy 8240, Alcohol, Drug, Tobacco and Electronic Cigarettes. State law also requires that each parent of a public school student assist the school in improving the student's behavior as detailed in the "Student Rights and Responsibilities" booklet, www.lcps.org.

You have the right to request a review of my actions. To do so, send a written request for review to Virginia C. Patterson, Ph. D., Superintendent's designee, Office of School Administration, 21000 Education Court, Ashburn, VA 20148. A written request must be received within two administrative working days from the date of this letter. **Any request for review shall not interrupt, delay, or stop the imposition of the suspension or review.**

If you have any questions regarding the incident or your rights, please contact me at [school's phone number].

Sincerely,

[Principal's Name]

Principal, [School Name]

C: Name, Director, [Middle or High] School Education

Name, Supervisor, Student Assistance Services

Name, Director, Special Education (if a special education student)

Name, School Principal

Name, School Guidance Office

TOBACCO/E-CIGARETTE/POSSESSION-USE 3/PRINCIPAL

The Appeal and Review Processes

Whenever a student receives certain disciplinary consequences, the parent(s)/guardian(s) has (have) the right to appeal the decision. The appeal process is different depending on the severity of the consequence.

1. All discipline dispositions where the student will remain in the school building, such as in-school restriction, after school detention, and/or Friday/Saturday School, are not appealable. Parents are encouraged, however, to discuss discipline actions with the principal of the school.
2. For all discipline dispositions where the student will be suspended from the building for 1-10 days, the student/parent may **request a review** by the building principal if the assistant principal has issued the letter. If the student is suspended from school for 5-10 days and in cases where the letter is first issued by the principal, the parent may **request a review** by the Superintendent's designee, Virginia C. Patterson, Ph.D., Director, Office of School Administration. The OSA contact number is 571-252-1570. The decision of the Superintendent's designee is final. A review of any type does not stop the time clock of the suspension.
3. For all discipline dispositions where the student is recommended to the Superintendent's designee for suspension for more than 10 days, the student/parent **may appeal** to the Superintendent's designee and request a hearing by the Discipline Committee of the School Board. A review of any type does not stop the time clock of the 10-day suspension.

Attending a Discipline Committee Hearing

Building administrators should:

1. Come to the hearing prepared to present a chronological order of events leading to the disciplinary action.
2. Come to the hearing prepared to answer questions about this student outside of this discipline issue, such as attendance, grades, assistance that has been provided.
3. Bring the student's scholastic file with you to the review meeting.

4. Review the facts related to the incident and be prepared to share them in a logical manner that supports the recommendation you have made.
5. Be certain that you have kept up with assignments provided for and completed by the student during the appeal process.
6. Be certain to respond to and correct any misinformation.

Discipline Data Collection and Reporting- Incident Reporting Definitions/Descriptions

Please note, for additional information and detailed instructions, log into Vision using your Lead

ID and password. Select My Courses, and [Phoenix Support Resources](#). Access the Phoenix SIS Channel and then Discipline and Health, User Guides, and the Discipline Incidents PDF for the latest edition of ***Phoenix SIS 10 Discipline***.

Loudoun County Public Schools

HOME LCPS GO VIRTUAL LOUDOUN COURSE CATEGORIES

MENU

Welcome To VISION
Virtual Instruction Student Innovative Organizational Network
[VIEW MY COURSES](#)


Phoenix Support Resources
The PHOENIX SIS Channel

Start of School Student Password Reset
On Saturday, August 11, 2018, Loudoun County Public Schools (LCPS) will reset all student passwords to ensure students have access to view their schedule and bus route in StudentVue prior to the start of school. Secondary students are being encouraged to use LCPSGO (go.lcps.org) or any LCPS-provided device to log in and change passwords to a strong password prior to the start of school on Thursday, August 23, 2018. For any secondary student who does not change their password, their account will be set to force a password change at next log in, starting after 6:00 am, on Friday, September 7, 2018.


VIRTUAL LOUDOUN
View the current VL Course Catalog
[Virtual Loudoun Course Catalog](#)


MY DASHBOARD
View your personal dashboard
[View Dashboard](#)

NEED HELP
Check out our FAQs
[View our FAQs](#)


Loudoun County Public Schools

[HOME](#)
[LCPS GO](#)
[VIRTUAL LOUDOUN](#)
[COURSE CATEGORIES](#)
[MY COURSES ▾](#)




 MENU

Suzanne Fitzgerald
 

Phoenix Support Resources


Home » My courses » Professional Learning » Phoenix Grade Book/SIS » Phoenix Support

Phoenix Resources







Clicking on the above Phoenix Courses, will open a new page and ask for an enrollment key.

If you are not already enrolled, and need an enrollment key for Phoenix SIS and Phoenix Grade Book please open an [LDSO Incident](#). Phoenix SE does not have an enrollment key.


Loudoun County Public Schools

[HOME](#)
[LCPS GO](#)
[VIRTUAL LOUDOUN](#)
[COURSE CATEGORIES](#)
[MY COURSES ▾](#)

 MENU

Suzanne Fitzgerald
 

The PHOENIX SIS Channel

Home » My courses » LCPS » Administration » The PHOENIX SIS Channel » User Guides

ANNOUNCEMENTS

PHOENIX BASICS

ENROLLMENT / ATTENDANCE

DISCIPLINE / HEALTH

GRADING / COURSE HISTORY / TESTING

SCHEDULING

PARENTVUE / APPS

SUMMER SCHOOL

DISCIPLINE AND HEALTH


USER GUIDES

QUICK REFERENCE GUIDES

QUICK TIPS

VIDEOS

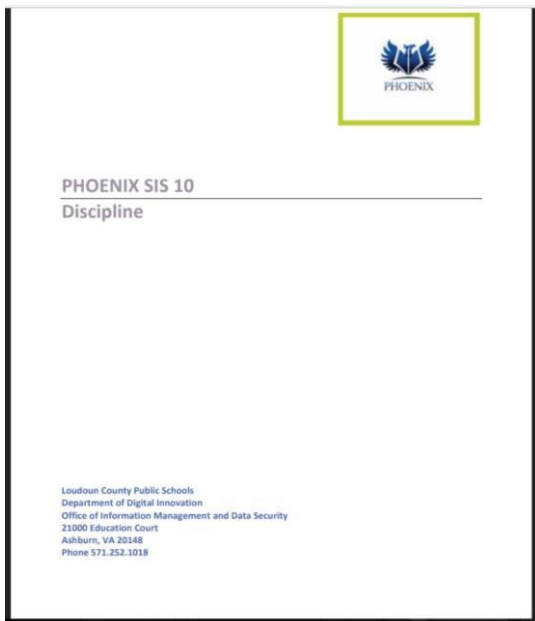
User Guides



- Health (PDF)
- Discipline Incidents (PDF)

◀ Discipline / Health

Quick Reference Guides ▶



INCIDENT

An incident is the event itself (such as a fight) which may involve one or more student infractions.

INFRACTION

The infraction is the behavior (such as assault/battery without a weapon) exhibited by the student or students involved in the incident. Up to three infractions per incident may be used. The first infraction listed is considered the primary infraction.

ONE INCIDENT, ONE REPORT

One incident may involve one student or more than one student. **Do not create a new incident number for each student.** Use the same incident number for each student involved in the incident.

INCIDENT-BASED REPORTING

All data collected shall reflect incident-based reporting. For example, a fight is a single incident that may involve several students and several infractions.

INCIDENT AT OFF CAMPUS, SCHOOL-SPONSORED EVENTS

When a student is involved in an incident that occurs off-campus at a school-sponsored event, that incident must be reported.

INCIDENTS ON SCHOOL TRANSPORTATION

All incidents that occur on any school transportation, including bus transportation to and from school and other transportation that may be used to and from school-sponsored events, must be reported.

INCIDENTS ON SCHOOL GROUNDS-365 DAYS A YEAR/24 HOURS A DAY/7 DAYS A WEEK

All incidents occurring on school grounds, 365 days a year/24 hours a day must be reported. *This includes all public school property that serves students in any or all grades, PK-12.* Incidents must be reported whether or not the offender is an enrolled student.

REQUIRED INFRACTION CODE

All "Required Infraction Codes" must be reported. The miscellaneous code "S3V" should only be used when the incident does not fit into any of the required code categories.

TIME PERIOD

All data will end with the regular school year. The 2017 summer school data will be reported on the 2017-18 school year Discipline, Crime & Violence Report.

PRIMARY INFRACTION

A primary infraction is the most important infraction that is responsible for receiving disciplinary dispositions. The primary infraction should be recorded first.

SHARED INCIDENT CODES

An incident that occurs involving several students from different enrolled schools will have one incident code. This code must be shared between schools. The incident school is where the incident happened.

INCIDENTS IN REGIONAL CENTERS

Incidents that occur in regional centers must be reported by the enrolled school, but the incident school should be populated with the regional center value.

SUSPENSION

Suspension is the temporary denial of a student's attendance at school. The duration of a short-term suspension is 10 days or less; a long-term suspension is eleven to forty-five days. The day you suspend a student counts as the first day of the suspension.

EXPULSION

Any disciplinary action imposed by a school board or a committee thereof, as provided in 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.

Discipline Data Collection and Reporting - In School Restriction for Special Education Students

All school divisions **MUST REPORT EVERY** incident involving students with disabilities, regardless of sanction. This is not a change to the reporting requirements that have been in place for several years. In order for LCPS to maintain accurate records of disciplinary actions for all students, the following guidelines are to be used for recording data in Phoenix:

1. Use *001SP, In-School Restriction-Special Education* for disabled students as the disposition code if the removal **is not** a part of a student's IEP or behavior plan
2. Use *106, Temporary Removal from Classroom* for disabled students as the disposition code if the removal **is** part of a student's IEP and behavior plan
3. Use *001, In-School Restriction—General Education* for non-disabled students
4. Use *008, Special Education Students only – IEP Permanent Change in Placement*

The requirement states that half-day in-school suspensions are reported as one day. In the case of a half-day in-school suspension, enter '1' in the 'ISS Days' field. In-school suspensions less than half-day do not need to be recorded. Three hours is considered a half day, exclusive of lunch for reporting purposes.

General Reminders:

- When a student has been suspended during the course of a school day, that day counts as the first suspension day. If the incident occurs at the end of the school day and you notify the student that he/she may not return to school on that date (e.g. to attend after school or evening activities), that day is to be counted as the first day of the suspension.
- **School Recommendation of Suspension Exceeding 10 Days** - Based on the violation for a specific discipline incident, a school-based administrator may recommend a student's disposition exceed 10 suspension days by assigning the disposition code of *'011-Extended*

Discipline Recommended to Supt – LC’. Upon review of the discipline incident, the Office of School Administration may determine that the disposition will change to *003-Long Term Suspension, 004-Expulsion or 012-Suspension Followed by Alternative Placement*. The change in disposition determination will be communicated by the Office of School Administration to the School-based Administrators. It will be the responsibility of a School-based Administrator to update the final disposition of the discipline incident based on the determination made by the Office of School Administration. It will also be the responsibility of the school to update the student’s daily attendance records, as necessary to reflect the updated disposition.

- If school is closed due to inclement weather or a student holiday, the suspension shall be extended a like number of days. The administrator/disciplinarian is charged with the responsibility to modify the re-admit date and notify (or have a procedure in place to notify) the attendance secretary.
- If a student enters JDC while on suspension, the days served in JDC will be considered as suspension days served even though the student was withdrawn.

Attendance Guidelines

- The administrator/disciplinarian must notify (or have a procedure in place to notify) the attendance secretary when a student is suspended, or when a suspension is modified. Suspensions must be recorded on the student’s attendance and a day of suspension counts as a day of absence.
- If student will be attending the Substance Use Education Class, the student will be marked suspended for 7 (alcohol) or 7 (drug) days for attendance and discipline. The 3 days served at the Substance Use Education Class are not considered suspension days and student will be marked as present. If the student has an Alc. 2 or a D. 2 and will be attending the Substance Use Education Program, the student will be marked suspended 10 (alcohol) or 10 (drug) days for attendance and discipline. **The Substance Use Education Program is not considered as time out-of-school and the student will be marked as present.**

Student Discipline Guidelines 2018-2019 - Updates are on the Intranet

All updates to discipline guidelines will be posted on the Intranet, Instruction, Office of School Administration (<http://www.intranet.lcps/Lev1.aspx?s=ins&s1=sao>). Consult the School Administration Intranet page for the latest information regarding letters, letter templates and checklists.

Loudoun County Public Schools
INTR@Net

WELCOME TO YOUR INTRANET

HOME BUSINESS & FINANCE **INSTRUCTION** HR PUPIL SERV. SUPERINTENDENT SUPPORT SERV. DIGITAL INNOVATION RESOURCES

Thursday, December 21, 2017 1:41 PM

Ashburn Weather
41
forecastku

NEED HELP?

- LDSO Service Desk
- LDSO: How to submit an incident
- Support Services Work Request
- Safety and Security Repairs
- LCPS & COL Staff Directory
- Office 2013 Quick Reference
- Office 2016 Quick Start Guide
- Intranet FAQs

QUICK LINKS

- LCPS Go
- Instruction
- ORACLE
- ORACLE Resources
- SmartFindExpress
- SFO - School Funds Online
- EPay
- Phoenix
- WinOcular
- BMS (Budget Management System)
- More...

Instruction Home
Instructional Services
Athletics
Elementary Education
Middle School Education
High School Education
Career, Technical & Adult Education
Research
School Administration Office
Teaching and Learning Office

click here to go to the LCPS Internet Site

DEC-JAN
SAT - MON **16-1**
Winter Break

YouTube Channel Spotlight: The A.T.TIPSCAST
<http://bit.ly/16dec2017>

<http://bit.ly/attipscastyoutube>

created playlists

A.T.TIPSCAST Season 3
Communication Strategies
Better Hearing And Speech Month
Professional Development
Special Episodes

Find instructional podcasts and videos arranged into playlists including...

- Reading strategies
- Writing strategies
- Executive functioning strategies
- Communication strategies
- Interviews

The ATADay calendar is provided courtesy of the [LCPS Assistive Technology Office](#).

This website is intended to be used by Loudoun County Public Schools Staff. Information and documents found under each department's site are the responsibility of that department. Questions should be addressed to the departments directly.

Operational Procedures for Administration and Staff

The following items of interest for school administrators are contained in this section:

- Virginia Compilation of School Discipline Laws and Regulations
- VDOE Definition of Aggravating Circumstances
- Grades PK - Grade 3 –Suspensions Requiring Aggravating Circumstances
- FERPA FAQs regarding the use of photos and videos
- Instructions regarding subpoenas, and tips for testifying
- A representative form for an Authentication of a Minor's School Records
- Updates from the LCPS Division of Safety and Security



Virginia

Compilation of School Discipline Laws and Regulations

Prepared: January 26, 2018

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2018. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:

Child Trends

7315 Wisconsin Avenue
Suite 1200W
Bethesda, Maryland 20814

EMT Associates, Inc.

1631 Creekside Drive
Suite 100
Folsom, California 95630



Table of Contents

<i>Virginia State Codes Cited</i>	<i>1</i>
General Provisions	5
Authority to develop and establish rules of conduct	5
Scope	6
Communication of Policy.....	7
In-School Discipline	8
Use of multi-tiered discipline approaches.....	8
Teacher authority to remove students from classrooms.....	8
Alternatives to suspension	9
Use of corporal punishment.....	9
Use of student and locker searches	10
Other in-school disciplinary approaches	10
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and	
Seclusion, and Alternative Placements	11
Grounds for possible suspension or expulsion.....	11
Grounds for mandatory suspension or expulsion	12
Limitations, conditions, or exclusions for use of suspension and expulsion.....	13
Administrative procedures related to suspensions and expulsion	13
In-school suspension	18
Return to school following removal	18
Use of restraint and seclusion	20
Alternative Placements.....	20
Disciplinary Approaches Addressing Specific Infractions and Conditions	31
Firearms (as required by the Gun-Free Schools Act).....	31
Other weapons	33
Students with chronic disciplinary issues	35

Attendance and truancy	35
Substance use	38
Bullying, harassment, or hazing.....	40
Other special infractions or conditions	42
Prevention and Behavioral Interventions (Non-Punitive)	43
Prevention	43
Behavioral interventions and student support services.....	47
Professional development.....	48
Monitoring and Accountability.....	50
Formal incident reporting of conduct violations.....	50
Parental notification	52
Reporting and referrals between schools and law enforcement.....	55
Disclosure of school records.....	64
Data collection, review, and reporting of disciplinary policies and actions.....	72

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers	74
Authority and power to implement school arrest	74
Certification or training	74
MOUs, authorization and/or funding.....	76
State Education Agency Support.....	80
State model policies and implementation support.....	80
Funding appropriations	81
Other or Uncategorized	84
Professional immunity or liability.....	84
Community input or involvement	85
Other or Uncategorized.....	87
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline	88

Virginia State Codes Cited

Code of Virginia

Title 8.01. Civil Remedies and Procedure

Chapter 3. Actions Article

4. Defamation

[8.01-47.](#) Immunity of persons investigating or reporting certain incidents at schools

Article 21. Miscellaneous Provisions

[8.01-220.1:2.](#) Civil immunity for teachers under certain circumstances

Title 9.1. Commonwealth Public Safety Chapter 1.

Department of Criminal Justice Services Article 1. General

Provision

[9.1-101.](#) Definitions [Effective until July 1, 2018]

[9.1-101.](#) Definitions [Effective July 1, 2018]

[9.1-102.](#) Powers and duties of the Board and the Department [9.1-110.](#) School resource officer grants program and fund

Article 10. Virginia Center for School and Campus Safety

[9.1-184.](#) Virginia Center for School and Campus Safety created; duties

Title 16.1. Courts Not of Record

Chapter 11. Juvenile and Domestic Relations District Courts

Article 3. Jurisdiction and Venue

[16.1.241.2.](#) Proceedings against certain parents

Article 5. Intake, Petition and Notice

[16.1.260.](#) Intake; petition; investigation

Article 12. Confidentiality and Expungement

[16.1-301.](#) Confidentiality of juvenile law-enforcement records; disclosures to school principal [16.1-305.1.](#) Disclosure of disposition in certain delinquency cases

[16.1-305.2.](#) Disclosure of notice of the filing of a petition and certain reports by division superintendent

[16.1-309.](#) Penalty

Title 18.2. Crimes and Offenses Generally

Chapter 4. Crimes Against the Person Article

2.1. Crimes by Gangs

[18.2-46.2.](#) Prohibited criminal street gang participation; penalty

[18.2-46.3:3.](#) Enhanced punishment for gang activity taking place in a gang-free zone; penalties

Article 4. Assaults and Bodily Woundings

[18.2-56.](#) Hazing unlawful; civil and criminal liability; duty of school, etc., officials; penalty

Chapter 7. Crimes Involving Health and Safety

Article 6.1. Concealed Weapons and Concealed Handgun Permits

[18.2-308.1.](#) Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty

Title 22.1. Education

Chapter 1. System of Public Schools; General Provisions

[22.1-3.2.](#) Notice of student's school status required as condition of admission; penalty

Chapter 7 - General Powers and Duties of School Boards

[22.1-79.5.](#) Policy regarding electronic cigarettes

Chapter 13. Programs, Courses of Instruction and Textbooks

Article 1. Programs and Courses of Instruction Generally

[22.1-206.](#) Instruction concerning drugs, alcohol, and substance abuse [Effective until July 1, 2018] [22.1-206.](#) Instruction concerning drugs, alcohol, and substance abuse [Effective July 1, 2018] [22.1-207.1:1.](#) Family life education; certain curricula and standards of learning

[22.1-208.01.](#) Character education required

[22.1-209.1:2.](#) Regional alternative education programs for certain students

Chapter 14. Pupils

Article 1. Compulsory School Attendance

[22.1-254.](#) Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article

[22.1-258.](#) Appointment of attendance officers; notification when pupil fails to report to school [22.1-261.](#) Attendance officer to make list of children not enrolled; duties of attendance officer [22.1-265.](#) Inducing children to absent themselves

[22.1-266.](#) Law-enforcement officers and truant children
[22.1-267.](#) Proceedings against habitually absent child

[22.1-268.](#) Duty of attorneys for the Commonwealth to prosecute cases arising under article; jurisdiction of offenses

[22.1-269.](#) Board to enforce

[22.1-269.1.](#) Alternative attendance programs

Article 3. Discipline

[22.1-276.01.](#) Definitions

[22.1-276.2.](#) Removal of students from classes

[22.1-277.](#) Suspensions and expulsions of pupils
 generally [22.1-277.04.](#)

Short-term suspension; procedures;
 readmission [22.1-277.05.](#)

Long-term suspensions; procedures;
 readmission [22.1-277.06.](#)

Expulsions; procedures; readmission

[22.1-277.07.](#) Expulsion of students under certain circumstances;
 exceptions [22.1-277.07:1.](#) Policies prohibiting possession of firearms

[22.1-277.08.](#) Expulsion of students for certain drug offenses

- [22.1-277.2.](#) Authority to exclude students under certain circumstances; petition for readmission; alternative education program
- [22.1-277.2:1.](#) Disciplinary authority of school boards under certain circumstances; alternative education program
- [22.1-279.1.](#) Corporal punishment prohibited
- [22.1-279.1:1.](#) The use of seclusion and restraint in public schools; Board of Education regulations [22.1-279.3.](#) Parental responsibility and involvement requirements
- [22.1-279.3:1.](#) Reports of certain acts to school authorities
- [22.1-279.4.](#) Information regarding prosecution for certain crimes
- [22.1-279.6.](#) Board of Education guidelines and model policies for codes of student conduct; school board regulations
- [22.1-279.7.](#) Guidelines for student searches
- [22.1-279.9.](#) Development of programs to prevent crime and violence
- [22.1-280.2.](#) School crime line defined; development of school crime lines authorized; local school boards' authority; Board of Education to promulgate regulations
- [22.1-280.2:1.](#) Employment of school safety personnel
- [22.1-280.4.](#) School board action regarding destruction of property

Article 5. Pupil Records

- [22.1-287.](#) Limitations on access to records
- [22.1-287.02.](#) Students' personally identifiable information
- [22.1-288.2.](#) Receipt, dissemination and maintenance of records of certain law-enforcement information
- [22.1-289.](#) Transfer and management of scholastic records; disclosure of information in court notices; penalty
- [22.1-289.01.](#) School service providers; school-affiliated entities; student personal information

Chapter 15. Teachers Officers and Employees

Article 1. General Provisions

- [22.1-291.4.](#) Bullying prohibited

Virginia Administrative Code

Title 8. Education

Agency 20. State Board of Education

Chapter 70. Regulations Governing Pupil Transportation

8 VAC20-70-360. In-service training

Chapter 81. Regulations Governing Special Education Programs for Children with Disabilities in Virginia

8 VAC20-81-160. Discipline procedures

Chapter 310. Rules Governing Instructions Concerning Drugs and Substance Abuse

8 VAC 20-310-10. Health education program

Chapter 560. Regulations Governing Reporting of Acts of Violence and Substance Abuse in Schools

8 VAC20-560-10. Reportable incidents

Chapter 620. Regulations Regarding School Guidance and Counseling Programs in the Public Schools of Virginia

8 VAC20-620-10. School guidance and counseling services

Chapter 660. Regulations Governing the Reenrollment of Students Committed to the Department of Juvenile Justice

8 VAC20-660-10. Definitions

8 VAC20-660-20. Reenrollment plan components

8 VAC20-660-30. Reenrollment process and responsibilities

8 VAC20-660-40. Maintenance and transfer of the scholastic record

General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 22.1-79.5. Policy regarding electronic cigarettes.

Each school board shall develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

D. Each school board shall include in its code of student conduct, by July 1, 2014, policies and procedures that include a prohibition against bullying. Such policies and procedures shall be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

REGULATIONS

No relevant regulations found.

Scope

LAWS

§ 22.1-79.5. Policy regarding electronic cigarettes.

Each school board shall develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

§ 22.1-277. Suspensions and expulsions of pupils generally.

A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, (i) in no case may sufficient cause for suspension include only instances of truancy and (ii) except in cases pursuant to subsection B, an incident that occurs in any setting other than on a school bus, on school property, or at a school-sponsored activity shall not be deemed sufficient cause for suspension or expulsion.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

E. As used in this section:

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

H. Each school board shall include in its code of student conduct a prohibition on possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

§ 22.1-279.3. Parental responsibility and involvement requirements.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the

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

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

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

E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school principal may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

§ 22.1-276.2. Removal of students from classes.

- A. Teachers shall have the initial authority to remove a student for disruptive behavior from a class.
- B. Each school board shall establish, within the regulations governing student conduct required by § 22.1- 279.6:
 - 1. Criteria for teachers to remove disruptive students from their classes;
 - 2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class;
 - 3. Procedures for the written notification of a student and his parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease;
 - 4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals; and
 - 5. Procedures for the return of students to class, for teacher participation in any decision by the principal to return a student to the class from which he has been removed, and for the resolution of any disagreements between such principal and teacher regarding such return.
- C. The principal shall, unless a student who has been removed from class is suspended or expelled from school attendance, ensure that such student continues to receive an education.
- D. Any teacher whose evaluation indicates deficiencies in the management of student conduct may be required by the school board to attend professional development activities designed to improve classroom management and disciplinary skills.
- E. Application of this section to students with disabilities shall be in accordance with state and federal law and regulations.
- F. This section shall not be construed to limit or restrict other school board policies and

regulations for maintaining order in the classroom.

§ 22.1-277. Suspensions and expulsions of pupils generally.

C. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1- 277.05, or 22.1-277.06.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

§ 22.1-279.1. Corporal punishment prohibited.

A. No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

B. In determining whether a person was acting within the exceptions provided in this section, due deference shall be given to reasonable judgments at the time of the event which were

made by a teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth.

C. For the purposes of this section, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

This definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subdivision (i) of subsection A of this section or the use of reasonable and necessary force as permitted by subdivisions (ii), (iii), (iv), and (v) of subsection A of this section, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

§ 22.1-279.7. Guidelines for student searches.

The Board of Education shall develop, in consultation with the Office of the Attorney General, guidelines for school boards for the conduct of student searches, including random locker searches, voluntary and mandatory drug testing, and strip searches, consistent with relevant state and federal laws and constitutional principles.

School boards shall adopt and revise, in accordance with the requirements of this section, regulations governing student searches that are consistent with the guidelines of the Board.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 22.1-277. Suspensions and expulsions of pupils generally.

A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, (i) in no case may sufficient cause for suspension include only instances of truancy and (ii) except in cases pursuant to subsection B, an incident that occurs in any setting other than on a school bus, on school property, or at a school-sponsored activity shall not be deemed sufficient cause for suspension or expulsion.

B. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.

C. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1- 277.05, or 22.1-277.06.

§ 22.1-279.1:1. The use of seclusion and restraint in public schools; Board of Education regulations.

The Board shall adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations and the Fifteen Principles contained in the U.S. Department of Education's Restraint and Seclusion: Resource Document;

(ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

A. General. (§ 22.1-277 of the Code of Virginia; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))

1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures.

B. Short-term removals.

1. A short-term removal is for a period of time of up to 10 consecutive school days or 10 cumulative school

days in a school year. (34 CFR 300.530(b))

- a. School personnel may short-term remove a child with a disability from the child's current educational setting to an appropriate interim alternative educational setting, another setting, or suspension, to the extent those alternatives are applied to a child without disabilities.

Grounds for mandatory suspension or expulsion

LAWS

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by

§ 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled

substance, imitation controlled substance, or marijuana as defined in § 18.2-247 onto school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

- B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

REGULATIONS

No relevant regulations found.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

§ 22.1-277. Suspensions and expulsions of pupils generally.

A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, (i) in no case may sufficient cause for suspension include only instances of truancy and (ii) except in cases pursuant to subsection B, an incident that occurs in any setting other than on a school bus, on school property, or at a school-sponsored activity shall not be deemed sufficient cause for suspension or expulsion.

§ 22.1-277.04. Short-term suspension; procedures; readmission.

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

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

§ 22.1-276.01. Definitions.

A. For the purposes of this article, unless the context requires a different meaning:

"Exclusion" means a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than 30 calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

"Expulsion" means any disciplinary action imposed by a 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.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days.

§ 22.1-277.04. Short-term suspension; procedures; readmission.

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

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a

petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.

The decision of the division superintendent or his designee may be appealed to the school board or a committee thereof in accordance with regulations of the school board; however, the decision of the division superintendent or his designee shall be final if so prescribed by school board regulations.

The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

§ 22.1-277.05. Long-term suspensions; procedures; readmission.

A. A pupil may be suspended from attendance at school for more than ten days after providing written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full school board. Such appeal shall be decided by the school board within thirty days.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee

of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within thirty days.

- B. A school board shall include in the written notice of a suspension for more than ten days required by this section, notification of the length of the suspension. In the case of a suspension for more than ten days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

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

§ 22.1-277.06. Expulsions; procedures; readmission.

- A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof in accordance with regulations of the school board. If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the expulsion of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within 30 days.

The regulations shall also provide for subsequent confirmation or disapproval of the proposed expulsion by the school board, or a committee thereof, as may be provided in regulation, regardless of whether the pupil exercised the right to a hearing.

- B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program

offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

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

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

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

C. Recommendations for expulsion for actions other than those specified in §§ 22.1-277.07 and 22.1-

277.8 shall be based on consideration of the following factors:

1. The nature and seriousness of the violation;
2. The degree of danger to the school community;
3. The student's disciplinary history, including the seriousness and number of previous infractions;
4. The appropriateness and availability of an alternative education placement or program;
5. The student's age and grade level;
6. The results of any mental health, substance abuse, or special education assessments;
7. The student's attendance and academic records; and
8. Such other matters as he deems appropriate.

No decision to expel a student shall be reversed on the grounds that such factors were not considered.

Nothing in this subsection shall be deemed to preclude a school board from considering any of these factors as "special circumstances" for purposes of §§ 22.1-277.07 and 22.1-277.08.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

§ 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.

A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be

subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

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

If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board.

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

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

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

§ 22.1-277.05. Long-term suspensions; procedures; readmission.

B. A school board shall include in the written notice of a suspension for more than ten days required by this section, notification of the length of the suspension. In the case of a suspension for more than ten days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

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

§ 22.1-277.06. Expulsions; procedures; readmission.

B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program

offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

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

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

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

§ 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.

A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

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

If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board.

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

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

§ 22.1-279.3. Parental responsibility and involvement requirements.

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

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion**LAWS**

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternative Placements**LAWS****§ 22.1-209.1:2. Regional alternative education programs for certain students.**

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of regional alternative education options for elementary, middle, and high school students in compliance with subdivision D 7 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Juvenile Justice's Division of Education and the relevant division superintendent as requiring a regional alternative education program. Based on available space, a student may also be administratively assigned to a regional alternative education program either at the request of the parent and with the consent of the division superintendent or by the division superintendent after written notice to the student and his parent. Such notice of the opportunity for the student and/or his parent to participate in a hearing conducted by the division superintendent or his designee regarding such placement shall be issued and the assignment shall be final unless altered by the school board, upon timely written petition, in accordance with regulations of the school board, by the student or his parent, for a review of the record by the school board. However, no child shall be assigned to any regional alternative education program described in this section for more than one school year without an annual

assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program.

B. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to offer a regional alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.
2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.
3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Juvenile Justice.
4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.
5. An emphasis on building self-esteem and the promotion of personal and social responsibility.
6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.
7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.
8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.
9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.
10. The number of children who may be assigned to the regional alternative education program during the school year.
11. A plan for transitioning the enrolled students into the relevant school division's regular

program.

12. A current program of staff development and training.

C. Beginning with the first year of program implementation, the Department of Education shall be entitled to deduct annually from the locality's share for the education of its students a sum equal to the actual local expenditure per pupil for the support of those students placed by the relevant school division in any such program. The amount of the actual transfers shall be based on data accumulated during the prior school year.

D. A school board shall require written notification to the pupil's parent, guardian, or other person having charge or control, when a pupil commits an offense in violation of school board policies, which school officials determine was committed without the willful intent to violate such policies, or when the offense did not endanger the health and safety of the individual or other persons, of the nature of the offense no later than two school days following its occurrence. A school board shall require the principal of the school where the child is in attendance or other appropriate school personnel to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

E. For the purposes of this section, "regional alternative education program" means a program supported and implemented by two or more school divisions which are either geographically contiguous or have a community of interest.

F. For the purposes of this section, "one school year" means no more than 180 teaching days.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child 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 a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

§ 22.1-269.1. Alternative attendance programs.

A. The Board of Education shall promulgate regulations for the voluntary participation of school divisions in programs to allow each school-age child to receive educational services at another public school, either in the division in which the child resides or in another division, as selected by the child's parent or guardian. Each public school in a school division participating in an alternative attendance program shall be eligible to participate in an alternative attendance program unless exceptional circumstances, as defined by the Board of Education, render the participation of the school contrary to public interest.

B. The Board's regulations shall be promulgated under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) and shall include, but shall not be limited to, provisions which address the following: the required acknowledgement by a local school of its decision to participate in an alternative attendance program, including school board resolutions for intradistrict programs and agreements between divisions participating in interdistrict programs; the equitable allocation of places to accommodate students when there are insufficient places to serve such students; transportation and school bus scheduling needs within the local school divisions; school enrollment capacity, class size, pupil-teacher ratios, and staffing levels for related instructional, administrative, and supervisory personnel as required by the Standards of Quality and the Standards for Accrediting Public Schools; the adequacy of school resources to accommodate an increase in student enrollment, grade level designations, and course offerings; the enrollment of students whose education is subject to an individualized education plan (I.E.P.) as required under P.L. 94-142 as amended; the preservation of the uniqueness of schools established for particular educational purposes; the fiscal impact of accommodating parental preference on local school divisions; in the case of interdistrict attendance programs, the establishment of tuition charges authorized by § 22.1- 5; and the need to maintain racial balance in the public schools. The regulations shall also establish the value of educational services, based on consideration of per pupil expenditures and state aid in the affected school.

Any local school board which has been ordered by a state or federal court to achieve racial balance in its public schools shall maintain such racial balance when accommodating preference in the assignment of children to a school.

- C. From such funds as may be appropriated, the Board shall provide for the independent evaluation of this alternative attendance program and shall submit the evaluation to the Governor, the Senate, and the House of Delegates by January 1 of each year.

§ 22.1-276.01. Definitions.

- A. For the purposes of this article, unless the context requires a different meaning:

"Alternative education program" includes night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

§ 22.1-276.2. Removal of students from classes.

- B. Each school board shall establish, within the regulations governing student conduct required by § 22.1- 279.6:

4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals; and

§ 22.1-277.04. Short-term suspension; procedures; readmission.

The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

§ 22.1-277.05. Long-term suspensions; procedures; readmission.

- B. A school board shall include in the written notice of a suspension for more than ten days required by this section, notification of the length of the suspension. In the case of a suspension for more than ten days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention

program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

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

§ 22.1-277.06. Expulsions; procedures; readmission.

B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

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

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

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

§ 22.1-277.2:1. Disciplinary authority of school boards under certain circumstances; alternative education program.

A. A school board may, in accordance with the procedures set forth in this article, 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, or with an offense that is required to be disclosed to the superintendent of the

school division pursuant to subsection G of § 16.1-260; (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 of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) found to have committed a serious offense or repeated offenses in violation of school board policies; (iv) suspended pursuant to § 22.1-277.05; or (v) expelled pursuant to § 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. A school board may require such student to attend such programs regardless of where the crime occurred. School boards may require any student who has been found, in accordance with the procedures set forth in this article, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

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

B. A school board may adopt regulations authorizing the division superintendent or his designee to require students to attend an alternative education program consistent with the provisions of subsection A after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

C. A school board may adopt regulations authorizing the principal or his designee to impose a short-term suspension, pursuant to § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in subsection G of § 16.1-260, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

A. General. (§ 22.1-277 of the Code of Virginia; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))

1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures.

B. Short-term removals.

1. A short-term removal is for a period of time of up to 10 consecutive school days or 10 cumulative school days in a school year. (34 CFR 300.530(b))

a. School personnel may short-term remove a child with a disability from the child's current educational setting to an appropriate interim alternative educational setting, another setting, or suspension, to the extent those alternatives are applied to a child without disabilities.

b. Additional short-term removals may apply to a child with a disability in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. If the short-term removals constitute a pattern, the requirements of subsection C of this section apply.

(1) The local educational agency determines when isolated, short-term removals for unrelated instances of misconduct are considered a pattern. (2) These removals only constitute a change in placement if the local educational agency determines there is a pattern.

2. Services during short-term removals.

a. The local educational agency is not required to provide services during the first 10 school days in a school year that a child with a disability is short-term removed if services are not provided to a child without a disability who has been similarly removed. (34 CFR 300.530(b)(2))

b. For additional short-term removals, which do not constitute a pattern, the local educational agency shall provide services to the extent determined necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals of the student's IEP. School personnel, in consultation with the student's special education teacher, make the service determinations. (34 CFR 300.530(b)(2))

c. For additional short-term removals that do not constitute a pattern, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and division wide assessment programs in accordance with the provisions of subdivision 4 of 8 VAC 20- 81-20. (20 USC § 1412(a)(16)(A))

C. Long-term removals.

D. A long-term removal is for more than 10 consecutive school days; or (34 CFR 300.530; 34CFR 300.536)

E. The child has received a series of short-term removals that constitutes a pattern:

F. Because the removals cumulate to more than 10 school days in a school year;

G. Because the child's behavior is substantially similar to the child's behavior in previous incidents that results in a series of removals; and

H. Because of such additional factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

I. The local educational agency determines on a case-by-case basis whether a pattern of

removals constitutes a change in placement. This determination is subject to review through due process and judicial proceedings. (34 CFR 300.530(a) and (b) and 34 CFR 300.536)

- J. On the date on which the decision is made to long-term remove the student because of a violation of a code of student conduct, the local educational agency shall notify the parent(s) of the decision and provide the parent(s) with the procedural safeguards. (34 CFR 300.530(h))
- K. Special circumstances. (34 CFR 300.530(g))
- L. School personnel may remove a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if:
 - M. The child carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education; or
 - N. The child 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 function under the jurisdiction of a local educational agency or the Virginia Department of Education; or
 - O. The child inflicts serious bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education.
- P. For purposes of this part, "weapon," "controlled substance," and "serious bodily injury" have the meaning given the terms under 8 VAC 20-81-10.
- Q. Services during long-term removals.
- R. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to: (34 CFR 300.530(d))
- S. Continue to receive educational services so as to enable the student to continue to participate in the general educational curriculum, although in another setting;
- T. Continue to receive those services and modifications including those described in the child's current IEP that will enable the child to progress toward meeting the IEP goals; and
- U. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

a. For long-term removals, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and divisionwide assessment programs in accordance with the provisions of subdivision 4 of 8 VAC 20-81-20. (20 USC § 1412(a)(16)(A))

b. The IEP team determines the services needed for the child with a disability who has been long-term removed. (34 CFR 300.530(d)(5) and 34 CFR 300.531)

V. Manifestation determination. (34 CFR 300.530(c), (e), (f), and (g))

1. Manifestation determination is required if the local educational agency is contemplating a removal that constitutes a change in placement for a child with a disability who has violated a code of student conduct of the local educational agency that applies to all students.

2. The local educational agency, the parent(s), and relevant members of the child's IEP team, as determined by the parent and the local educational agency, constitute the IEP team that shall convene immediately, if possible, but not later than 10 school days after the date on which the decision to take the action is made.

3. The IEP team shall review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent(s).

4. The IEP team then shall determine the conduct to be a manifestation of the child's disability:

(1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(2) If the conduct in question was the direct result of the local educational agency's failure to implement the child's IEP.

5. If the IEP team determines that the local educational agency failed to implement the child's IEP, the local educational agency shall take immediate steps to remedy those deficiencies.

6. If the IEP team determines that the child's behavior was a manifestation of the child's disability:

a. The IEP team shall return the child to the placement from which the child was removed unless the parent and the local educational agency agree to a change in placement as part of the modification of the behavioral intervention plan. The exception to this provision is when the child has been removed for not more than 45 school days to an interim alternative educational setting for matters described in subdivision C 5 a of this section. In that case, school personnel may keep the student in the interim alternative educational setting until the expiration of the 45-day period.

(1) Conduct a functional behavioral assessment, unless the local educational agency had conducted this assessment before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan for the child.

(a) A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team.

(b) If the IEP team determines that the functional behavioral assessment will include obtaining new testing data or evaluation, then the parent is entitled to an independent educational evaluation in accordance with 8 VAC 20-81-170 B if the parent disagrees with the evaluation or a component of the evaluation obtained by the local educational agency; or

(2) If a behavioral intervention plan already has been developed, review this plan, and modify it, as necessary, to address the behavior.

7. If the IEP team determines that the child's behavior was not a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except that services shall be provided in accordance with subdivision C 6 a of this section.

W.Appeal. (34 CFR 300.532(a) and (c))

1. If the child's parent(s) disagrees with the determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement under these disciplinary procedures, the parent(s) may request an expedited due process hearing.
2. A local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may request an expedited due process hearing.
3. The local educational agency is responsible for arranging the expedited due process in accordance with the Virginia Department of Education's hearing procedures at 8 VAC 20-81-210.
 - a. The hearing shall occur within 20 school days of the date the request for the hearing is filed.
 - b. The special education hearing officer shall make a determination within 10 school days after the hearing.
 - c. Unless the parent(s) and the local educational agency agree in writing to waive the resolution meeting, or agree to use the mediation process:
 - (1) A resolution meeting shall occur within 7 calendar days of receiving the request for a hearing.
 - (2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the request for a hearing.
 - d. The decisions on expedited due process hearings are appealable consistent with 8 VAC 20-81- 210.

X. Authority of the special education hearing officer. (34 CFR 300.532(a) and (b))

1. A local educational agency may request an expedited due process hearing under the Virginia Department of Education's due process hearing procedures to effect a change in placement of a child with a disability for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the local educational agency believes that the child's behavior is substantially likely to result in injury to self or others.
2. The special education hearing officer under 8 VAC 20-81-210 may:
 - a. Return the child with a disability to the placement from which the child was removed if the special education hearing officer determines that the removal was a violation of subsections C and D of this section, or that the child's behavior was a manifestation of the child's disability; or
 - b. Order a change in the placement to an appropriate interim alternative educational setting for not more than 45 school days if the special education hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the student or others.

3. A local educational agency may ask the special education hearing officer for an extension of 45 school days for the interim alternative educational setting of a child with a disability when school personnel believe that the child's return to the regular placement would result in injury to the student or others.

Y. Placement during appeals. (34 CFR 300.533)

1. The child shall remain in the interim alternative educational setting pending the decision of the special education hearing officer; or
2. Until the expiration of the time for the disciplinary period set forth in this section, whichever comes first, unless the parent and the local educational agency agree otherwise.

Z. Protection for children not yet eligible for special education and related services. (34 CFR 300.534)

1. A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct of the local educational agency may assert any of the protections provided in this chapter if the local educational agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
2. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:
 - (a) The parent(s) of the child expressed concern in writing (or orally if the parent(s) does not know how to write or has a disability that prevents a written statement) to school personnel that the child is in need of special education and related services;
 - (b) The parent(s) of the child requested an evaluation of the child to be determined eligible for special education and related services; or
 - (c) A teacher of the child or school personnel expressed concern about a pattern of behavior demonstrated by the child directly to the director of special education of the local educational agency or to other supervisory personnel of the local educational agency.
3. A local educational agency would not be deemed to have knowledge that a child is a child with a disability if:
 - (a) The parent of the child has not allowed a previous evaluation of the child or has refused services; or
 - (b) The child has been evaluated in accordance with 8 VAC 20-81-70 and 8 VAC 20-81-80 and determined ineligible for special education and related services.
4. If the local educational agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures applied to a child without a disability who engages in comparable behaviors.
5. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this section, the evaluation shall be conducted in an expedited manner.

- a. Until the evaluation is completed, the child remains in the educational placement determined by the school personnel, which can include suspension or expulsion without educational services.
- b. If the child is determined to be a child with a disability, taking into consideration information from the evaluations conducted by the local educational agency and information provided by the parent(s), the local educational agency shall provide special education and related services as required for a child with a disability who is disciplined.

I. Referral to and action by law enforcement and judicial authorities. (34 CFR 300.535)

- 1. Nothing in this chapter prohibits a local educational agency from reporting a crime by a child with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability to the extent such action applies to a student without a disability.
- 2. In reporting the crime, the local educational agency shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom school personnel report the crime. Transmission of such records shall be in accordance with requirements under the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150).

J. Information on disciplinary actions. (34 CFR 300.229)

K. The Virginia Department of Education requires that local educational agencies include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.

- 1. Local educational agencies are responsible for transmitting the statement to the Virginia Department of Education upon request to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

2. The statement may include:

- a. A description of any behavior engaged in by the child who required disciplinary action;
- b. A description of the disciplinary action; and
- c. Any other information that is relevant to the safety of the child and other individuals involved with the child.
- 3. If the child transfers from one school to another, the transmission of any of the child's records shall include the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an

armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 22.1-277.07. Expulsion of students under certain circumstances: exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by

§ 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

D. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; an

E. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

F. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

G. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

H. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

- I. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-277.07:1. Policies prohibiting possession of firearms.

Notwithstanding any other provision of law to the contrary, each school division may develop and implement procedures addressing disciplinary actions against students, and may establish disciplinary policies prohibiting the possession of firearms on school property, school buses, and at school-sponsored activities.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by

§ 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other

than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

- B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.
- C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:
 - D. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; an
 - E. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.
 - F. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.
 - G. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

- H. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.
- I. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

§ 22.1-267. Proceedings against habitually absent child.

Any child permitted by any parent, guardian, or other person having control thereof to be habitually absent from school contrary to the provisions of this article may be proceeded against as a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within 10 school days with the pupil, his parent, and school personnel, which conference may include other community service providers, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 15 school days after the sixth absence. Upon the next absence by such pupil without indication to the attendance officer

that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall notify the attendance officer or the division superintendent or his designee, as the case may be, who shall enforce the provisions of this article by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) instituting proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 16.1-260. Intake; petition; investigation.

B. [...]If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the

petition. Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

§ 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.

The attendance officer or the division superintendent or his designee shall check the reports submitted pursuant to subsection A of § 22.1-260 with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the attendance officer or the division superintendent or his designee shall, within five days after receiving all reports submitted pursuant to subsection A of § 22.1-260, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. It shall be the duty of the attendance officer, on behalf of the local school board, to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice.

§ 22.1-265. Inducing children to absent themselves.

Any person who induces or attempts to induce any child to be absent unlawfully from school or who knowingly employs or harbors, while school is in session, any child absent unlawfully shall be guilty of a Class 3 misdemeanor and may be subject to the penalties provided by subdivision 5 a of subsection B of

§ 16.1-278.5 or § 18.2-371. Upon a finding that a person knowingly and willfully violated the provisions of this section and that such person has been convicted previously of a violation of this section, such person shall be guilty of a Class 2 misdemeanor.

§ 22.1-266. Law-enforcement officers and truant children.

A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or

guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

C. For the purposes of this section, "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

§ 22.1-267. Proceedings against habitually absent child.

Any child permitted by any parent, guardian, or other person having control thereof to be habitually absent from school contrary to the provisions of this article may be proceeded against as a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

§ 22.1-268. Duty of attorneys for the Commonwealth to prosecute cases arising under article; jurisdiction of offenses.

It shall be the duty of the attorneys for the Commonwealth of the several counties and cities to prosecute all cases arising under this article. Juvenile and domestic relations district courts shall have exclusive original jurisdiction for the trial of such cases.

§ 22.1-269. Board to enforce.

The Board of Education shall have the authority and it shall be its duty to see that the provisions of this article are properly enforced throughout the Commonwealth.

§ 22.1-277. Suspensions and expulsions of pupils generally.

A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, (i) in no case may sufficient cause for suspension include only instances of truancy and (ii) except in cases pursuant to subsection B, an incident that occurs in any setting other than on a school bus, on school property, or at a school-sponsored activity shall not be deemed sufficient cause for suspension or expulsion.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

§ 22.1-79.5. Policy regarding electronic cigarettes.

Each school board shall develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, or marijuana as defined in § 18.2-247 onto school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or

incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2- 87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law- enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1- 3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law- enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

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

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be

subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

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

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

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

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

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

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

H. Each school board shall include in its code of student conduct a prohibition on possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials.

It shall be unlawful to haze so as to cause bodily injury, any student at any school, college, or university.

Any person found guilty thereof shall be guilty of a Class 1 misdemeanor.

Any person receiving bodily injury by hazing shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student hazing another student, sanction and discipline such student in accordance with the institution's policies and procedures. The institution's policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case and shall be consistent with the model policies established by the Department of Education or the State Council of Higher Education for Virginia, as applicable. The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall take such action as he deems appropriate.

For the purposes of this section, "hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury 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.

§ 22.1-276.01. Definitions.

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies. [...]

§ 22.1-291.4. Bullying prohibited.

Each school board shall implement, by July 1, 2014, policies and procedures to educate school board employees about bullying, as defined in § 22.1-276.01, and the need to create a bully-free environment.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

§ 18.2-46.2. Prohibited criminal street gang participation; penalty.

A. Any person who actively participates in or is a member of a criminal street gang and who knowingly and willfully participates in any predicate criminal act committed for the benefit of, at the direction of, or in association with any criminal street gang shall be guilty of a Class 5 felony. However, if such participant in or member of a criminal street gang is age eighteen years or older and knows or has reason to know that such criminal street gang also includes a juvenile member or participant, he shall be guilty of a Class 4 felony.

B. Violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

§ 18.2-46.3:3. Enhanced punishment for gang activity taking place in a gang-free zone; penalties.

Any person who violates § 18.2-46.2 (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or postsecondary school, or any public or private two-year or four-year institution of higher education; (ii) upon public property or any property open to public use within 1,000 feet of such school property; (iii) on any school bus as defined in § 46.2-100; or (iv) upon the property, including buildings and grounds, of any publicly owned or operated community center or any publicly owned or operated recreation center is guilty of a felony punishable as specified in § 18.2-46.2, and shall be sentenced to a mandatory minimum term of imprisonment of two years. A person who violates subsection A of § 18.2-46.3 upon any property listed in this section is guilty of a Class 6 felony, except that any person 18 years of age or older who violates subsection A of § 18.2-46.3 upon any property listed in this section, when such offense is committed against a juvenile, is guilty of a Class 5 felony. Any person who violates subsection B of § 18.2-46.3 upon any property listed in this section is guilty of a Class 5 felony. It is a violation of this section if the person violated § 18.2-46.2 or 18.2-46.3 on the property described in clauses (i) through (iii) regardless of where the person intended to commit such violation.

§ 22.1-280.4. School board action regarding destruction of property.

A school board may take action against a pupil or the pupil's parent for any actual loss, breakage, or destruction of or failure to return property, owned by or under the control of the school board, caused or committed by such pupil in pursuit of his studies. Such action may include seeking reimbursement from a pupil or the pupil's parent for any such loss, breakage, or destruction of or failure to return school property.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 9.1-184. Virginia Center for School Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety(the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;
2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;
3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;
4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;
5. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;
6. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;
7. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;
8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;
9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing

services to schools that shall also be made available to private schools in the Commonwealth;
and

10. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-206. Instruction concerning drugs, alcohol, and substance abuse. (Effective until July 1, 2018)

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The Department of Alcoholic Beverage Control shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

§ 22.1-206. Instruction concerning drugs, alcohol, and substance abuse. (Effective July 1, 2018)

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The Virginia Alcoholic Beverage Control Authority shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

§ 22.1-207.1:1. Family life education; certain curricula and standards of learning.

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the Board of Education's family life education guidelines.

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence and may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent.

§ 22.1-208.01. Character education required.

A. Each school board shall establish, within its existing programs or as a separate program, a character education program in its schools, which may occur during the regular school year, during the summer in a youth development academy offered by the school division, or both. The Department of Education shall develop curricular guidelines for school divisions to use in establishing a character education program through a summer youth development academy. The purpose of the character education program shall be to instill in students civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems, and develop civic-minded students of high character. The components of each program shall be developed in cooperation with the students, their parents, and the community at large. The basic character traits taught may include (i) trustworthiness, including honesty, integrity, reliability, and loyalty; (ii) respect, including the precepts of the Golden Rule, tolerance, and courtesy; (iii) responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance, and self-control; (iv) fairness, including justice, consequences of bad behavior, principles of nondiscrimination, and freedom from prejudice; (v) caring, including kindness, empathy, compassion, consideration, generosity, and charity; and (vi) citizenship, including patriotism, the Pledge of Allegiance, respect for the American flag, concern for the common good, respect for authority and the law, and community-mindedness.

Classroom instruction may be used to supplement a character education program; however, each program shall be interwoven into the school procedures and environment and structured to instruct primarily through example, illustration, and participation, in such a way as to complement the Standards of Learning. The program shall also address the inappropriateness of bullying, as defined in § 22.1- 276.01.

This provision is intended to educate students regarding those core civic values and virtues that are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in § 1-500, may be taught as representative of such civic values. Nothing herein shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief.

B. The Board of Education shall establish criteria for character education programs, consistent with the provisions of this section. The Department of Education shall assist school divisions in implementing character education programs and practices that are designed to promote the development of personal qualities as set forth in this section and the Standards of Quality and that will improve family and community involvement in the public schools. With such funds as are made available for this purpose, the Department of Education shall provide resources and technical assistance to school divisions regarding successful character education programs and shall (i) identify and analyze effective character education programs and practices and (ii) collect

and disseminate among school divisions information regarding such programs and practices and potential funding and support sources. The Department of Education may also provide resources supporting professional development for administrators and teachers in the delivery of any character education programs.

C. The Department of Education shall award, with such funds as are appropriated for this purpose, grants to school boards for the implementation of innovative character education programs, including a summer youth development academy.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

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

§ 22.1-279.9. Development of programs to prevent crime and violence.

All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include prevention of hazing. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime. School boards are encouraged to develop and use a network of volunteer services in implementing these prevention activities.

§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local school boards' authority; Board of Education to promulgate regulations.

A. As used in this section:

"School crime line" means a confidential, anonymous system providing inducements for students to report any unlawful act occurring in school buildings or on school grounds or during school-sponsored activities to local law-enforcement authorities which is established as a cooperative alliance between the local school board, news media, the community, and law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors or as part of a local "Crime Stoppers" program.

B. In order to reduce crime and violence within the school divisions in the Commonwealth, any local school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities to receive, screen, and reward student reports of unlawful acts committed in school buildings or on

school grounds or at school functions, when such reports lead to arrests or recovery of contraband or stolen property. Police or other law-enforcement personnel shall staff every school crime line program, receive reported information from anonymous student callers, screen such information, and direct information for further investigation, as may be appropriate.

C. Such programs may be established (i) by a local school board as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a separate nonprofit corporation initiated jointly by the local school board, news media, the community, and law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime Stoppers" program.

The governing board of any separate nonprofit school crime line corporation shall include broad-based community representation and shall, through its bylaws, set the policy, coordinate fund raising, and formulate a system of rewards. Prior to implementation of any school crime line program and annually thereafter, the local school board shall review and approve, as complying with the Board of Education's regulations for implementation of school crime lines, its regulations or the bylaws of any nonprofit school crime line corporation or the bylaws of any nonprofit "Crime Stoppers" corporation operating a school crime line. No school crime line program shall be implemented or revised without first obtaining the local school board's approval. Every local school board developing a school crime line program shall also notify all students and their parents or other custodian of the procedures and policies governing the program prior to implementation and annually thereafter.

D. By July 1, 1994, the Board of Education shall promulgate regulations for the implementation of school crime lines, including, but not limited to, appropriate fund raising, and the appropriateness of and limitations on rewards. In developing the regulations, the Board shall, in consultation with the Office of the Attorney General, address issues relating to civil rights, privacy, and any other question of law, including the civic duty to report crime without compensation.

E. Local school boards may establish, as a separate account, a school crime line fund, consisting of private contributions, local appropriations specifically designated for such purposes, and such funds as may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state or local funds appropriated for educational purposes shall be used to implement a school crime line.

REGULATIONS

8 VAC 20-310-10. Health education program.

The Board of Education recognizes that the illegal and inappropriate use of certain substances constitutes a hazard to the development of students. Elementary and secondary schools shall include in the health education program instruction in drugs and drug abuse.

Therefore, the public schools of the Commonwealth shall:

1. Be concerned with education and prevention in all areas of substance use and abuse.
2. Establish and maintain a realistic, meaningful substance abuse prevention and education program that shall be developed and incorporated in the total education program.
3. Establish and maintain an ongoing in-service substance abuse prevention program for all school personnel.
4. Cooperate with government and approved private agencies involved with health of students relating to the abuse of substances.
5. Encourage and support pupil-run organizations and activities that will develop a positive peer influence in the area of substance abuse.
6. Create a climate whereby students may seek and receive counseling about substance abuse and related problems without fear of reprisal.

8VAC20-620-10. School guidance and counseling services.

A. Pursuant to the Standards of Quality, each school shall make reasonably available, with available resources, to all students the following guidance and counseling services:

3. Personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Such counseling may be provided either (i) in groups (e.g., all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant (e.g., divorce, abuse or aggressive behavior).

Behavioral interventions and student support services

LAWS

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;
52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

A. General. (§ 22.1-277 of the Code of Virginia; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))

1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures.

2. In the event that the child's behavior impedes the child's learning or that of others, the IEP team shall consider the use of positive behavioral interventions, strategies, and supports to address the behavior. The IEP team shall consider either:

- a. Developing goals and services specific to the child's behavioral needs; or
- b. Conducting a functional behavioral assessment and determining the need for a behavioral intervention plan to address the child's behavioral needs.

3. School personnel may consider any unique circumstances on a case-by-case basis when deciding whether or not to order a change in placement for a child with a disability that violates a code of student conduct.

- a. In reviewing the disciplinary incident, school personnel may review the child's IEP and any behavioral intervention plan, or consult with the child's teacher(s) to provide further guidance in considering any unique circumstances related to the incident.
- b. School personnel may convene an IEP team for this purpose.

C. Long-term removals

6. Services during long-term removals.

- a. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to: (34 CFR 300.530(d))
 - (1) Continue to receive educational services so as to enable the student to continue to participate in the general educational curriculum, although in another setting;
 - (2) Continue to receive those services and modifications including those described in the child's current IEP that will enable the child to progress toward meeting the IEP goals;

and

(3) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

b. For long-term removals, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and divisionwide assessment programs in accordance with the provisions of subdivision 4 of 8 VAC 20-81-20. (20 USC § 1412(a)(16)(A))

c. The IEP team determines the services needed for the child with a disability who has been long-term removed. (34 CFR 300.530(d)(5) and 34 CFR 300.531)

8VAC20-620-10. School guidance and counseling services.

A. Pursuant to the Standards of Quality, each school shall make reasonably available, with available resources, to all students the following guidance and counseling services:

[...]3. Personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Such counseling may be provided either (i) in groups (e.g., all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant (e.g., divorce, abuse or aggressive behavior).

Professional development

LAWS

No relevant laws found.

REGULATIONS

8VAC20-70-360. In-service training.

In-service training (at least two hours before the opening of the school year and at least two hours during the second half of the school year) devoted to improving the skills, attitudes, and knowledge, including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drivers. In-service training should include, but is not limited to, the following topics:

basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, student information and confidentiality, and local policies and procedures as required by the division's transportation department. A copy of the agenda for each in-service training event shall be on file in the school division.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 16.1-260. Intake; petition; investigation.

B. [...]Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court. [...]

§ 22.1-277.04. Short-term suspension; procedures; readmission.

[...] Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior. [...]

§ 22.1-276.2. Removal of students from classes.

B. Each school board shall establish, within the regulations governing student conduct required by § 22.1- 279.6: [...]

2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class; [...]

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery

that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2- 87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law- enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1- 3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law- enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the

Department and shall make such information available to the public.

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

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

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

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

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

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

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

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

§ 22.1-209.1:2. Regional alternative education programs for certain students.

D. A school board shall require written notification to the pupil's parent, guardian, or other person having charge or control, when a pupil commits an offense in violation of school board policies, which school officials determine was committed without the willful intent to violate such policies, or when the offense did not endanger the health and safety of the individual or other persons, of the nature of the offense no later than two school days following its occurrence. A school board shall require the principal of the school where the child is in attendance or other appropriate school personnel to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

[...] Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance. [...]

§ 16.1-260. Intake; petition; investigation.

B. [...] Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in

the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court. [...]

§ 22.1-277.04. Short-term suspension; procedures; readmission.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.

The decision of the division superintendent or his designee may be appealed to the school board or a committee thereof in accordance with regulations of the school board; however, the decision of the division superintendent or his designee shall be final if so prescribed by school board regulations.

The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

§ 22.1-276.2. Removal of students from classes.

B. Each school board shall establish, within the regulations governing student conduct required by § 22.1- 279.6: [...]

3. Procedures for the written notification of a student and his parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease; [...]

§ 22.1-277.06. Expulsions; procedures; readmission.

A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof in accordance with regulations of the school board. [...]

B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability

of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student. [...]

§ 22.1-277.2:1. Disciplinary authority of school boards under certain circumstances; alternative education program.

B. A school board may adopt regulations authorizing the division superintendent or his designee to require students to attend an alternative education program consistent with the provisions of subsection A after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board. [...]

§ 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.

A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

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

If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations

providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board. [...]

§ 22.1-279.3:1. Reports of certain acts to school authorities.

C. [...] The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against

such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

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

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

§ 22.1-279.4. Information regarding prosecution for certain crimes.

School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but shall not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.

REGULATIONS

No relevant regulations found.

Reporting and referrals between schools and law enforcement**LAWS****§ 16.1-241.2. Proceedings against certain parents.**

A. Upon the failure of a parent to comply with the provisions of § 22.1-279.3, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior as follows:

1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of § 22.1-279.3, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student, maintaining order, or ensuring the child's school attendance, and to discuss improvement of the child's behavior, school attendance, or educational progress, it may order the parent to so meet; or
2. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F of § 22.1-279.3, or upon the student receiving a second suspension or being expelled, it may order (i) the student or his parent to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, including, but not limited to, extended day programs and summer school or other education programs and counseling, or (ii) the student or his parent to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent; in addition, the court may order the parent to pay a civil penalty not to exceed \$500.

The court may use its contempt power to enforce any order entered under this section.

B. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court or its successor in interest in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior and school attendance of students as described in subdivision 2 of subsection G of § 22.1-279.3. Upon the failure to pay any civil penalties imposed by this section and § 22.1-279.3, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

C. For the purposes of this section and § 22.1-279.3, "parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

§ 16.1-260. Intake; petition; investigation.

B. [...] If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition. Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the

jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court. [...]

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal.

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other than violations of motor vehicle laws committed by juveniles. Such records with respect to such juvenile shall not be open to public inspection nor their contents

disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308. If a chief of police, sheriff or a designee has disclosed to a school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police, sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police, sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police, sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

§ 16.1-305.1. Disclosure of disposition in certain delinquency cases.

Upon a court's disposition of a proceeding where a juvenile is charged with a crime listed in subsection G of § 16.1-260 in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the clerk of the court in which the disposition is entered shall, within 15 days of the expiration of the appeal period, if there has been no notice of an appeal, provide written notice of the disposition ordered by the court, including the nature of the

offense upon which the disposition was based, to the superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If the court defers disposition, or the charges are nolle prosequi, withdrawn, or dismissed the clerk shall, within 15 days of such action, provide written notice of such action to the superintendent of the school division in which the child is enrolled at such time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If charges are withdrawn in intake or handled informally without a court disposition, the intake officer shall, within 15 days of such action, provide written notification of the action to the superintendent of the school division in which the child is enrolled at that time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense.

If the child is not enrolled in the school division that receives notification under this section, the superintendent of that division may forward the notification to the superintendent of the school division where the child is enrolled.

A superintendent who receives notification under this section may disclose the information received to anyone to whom he or a principal disclosed that a petition had been filed. Further disclosure of information received under this section by the superintendent to school personnel is authorized only as provided in § 22.1-288.2.

§ 16.1-305.2. Disclosure of notice of the filing of a petition and certain reports by division superintendent.

Except as otherwise provided in this section, a division superintendent shall not disclose information contained in or derived from a (i) notice of petition received pursuant to § 16.1-260 or (ii) report received pursuant to § 66-25.2:1. If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department who sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.

If the division superintendent believes that disclosure of information regarding a petition to school personnel is necessary to ensure the physical safety of the juvenile, other students or school personnel within the division, he may at any time prior to receipt of the notice of disposition in accordance with § 16.1-305.1, disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the juvenile who is the subject of the petition is enrolled. The principal may further disseminate the information regarding a petition, after the juvenile has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the juvenile and need of the information to ensure physical safety or the appropriate educational placement or other educational services.

If the division superintendent believes that disclosure of information regarding a report received pursuant to § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the juvenile, other students, or school personnel within the division he may disclose the information to the principal of the school in which the juvenile is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the juvenile, the subject or subjects of the danger, other students, or school personnel.

§ 16.1-309. Penalty.

A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii) participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed concerning such allegations and whose information is derived solely from such interview or (v) is present during any court proceeding, who discloses or makes use of or knowingly permits the use of identifying information not otherwise available to the public concerning a juvenile who is suspected of being or is the subject of a proceeding within the jurisdiction of the juvenile court pursuant to subdivisions A 1 through 5 or subdivision A 7 of § 16.1-241 or who is in the custody of the State Department of Juvenile Justice, which information is directly or indirectly derived from the records or files of a law-enforcement agency, court or the Department of Juvenile Justice or acquired in the course of official duties, is guilty of a Class 3 misdemeanor.

B. The provisions of this section shall not apply to any law-enforcement officer or school employee who discloses to school personnel identifying information concerning a juvenile who is suspected of committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is committed or alleged to have been committed on school property during a school-sponsored activity or on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school personnel to take appropriate disciplinary action within the school setting against the juvenile. Further, the provisions of this section shall not apply to school personnel who disclose information obtained pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made in compliance with those sections.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part

of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law- enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

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

§ 22.1-279.4. Information regarding prosecution for certain crimes.

School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but shall not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.

§ 22.1-288.2. Receipt, dissemination and maintenance of records of certain law-enforcement information.

C. When a superintendent receives notice of the filing of a petition from the intake officer in accordance with § 16.1-260, or upon request of a court services unit for information made in conjunction with the preparation of a social history report pursuant to § 16.1-273, the superintendent shall provide information regarding the student's educational and attendance status to the intake officer or court services unit, as the case may be. Whenever a division superintendent receives notice of a student's commitment to the Department of Juvenile Justice, the superintendent or his designee shall participate in the development of a reenrollment plan as provided in § 16.1-293.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a

juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of

§ 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to

obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

I. Referral to and action by law enforcement and judicial authorities. (34 CFR300.535)

1. Nothing in this chapter prohibits a local educational agency from reporting a crime by a child with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability to the extent such action applies to a student without a disability.
2. In reporting the crime, the local educational agency shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom school personnel report the crime. Transmission of such records shall be in accordance with requirements under the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150).

8 VAC20-660-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the text clearly indicates otherwise:

"Educational programs" means educational programs that are designed to provide educational services to eligible students who are receiving such services in school divisions, juvenile correctional centers, jails, juvenile detention homes /centers, or state-operated programs.

"Educational status" includes but is not limited to the most recent assessment results, including standardized tests, inclusion of a student's special education eligibility and related evaluations, most recent Individualized Education Plan (IEP), if applicable, academic credits and partial credits earned, and participation in career and technical programs, if applicable.

"Eligible" means of school age or eligible for special education services as defined in §§ 22.1-1, 22.1-5, and 22.1-213 of the Code of Virginia.

"Final reenrollment plan" means the written documentation developed by the receiving school division that addresses the student's education program, placement, and support services upon reenrollment.

"Preliminary reenrollment plan" means the written documentation for a person to be released from Department of Juvenile Justice custody who is of school attendance age or is eligible for

special education services pursuant to § 22.1-213 of the Code of Virginia. The plan describes the student's educational history while in the custody of the Department of Juvenile Justice, current status, identification of school placement upon release, recommendations for an education program following reenrollment, and recommendations for student supports, such as counseling services.

"Receiving school division" means the school division or state-operated program where the student will enroll upon release from the custody of the Department of Juvenile Justice.

"Reenrollment" means the process of transitioning eligible youth released from Department of Juvenile Justice custody into attendance in public schools.

"Reenrollment coordinator" means the school division or state-operated program staff person designated to work with the parole officer, the Department of Correctional Education or detention home/center educational personnel, the transition team, the reenrollment team, and the IEP team, if applicable, to coordinate the development of the reenrollment plan.

"Reenrollment team" means the group convened by the division superintendent or designee of the receiving school division to prepare for and implement the reenrollment of the student. The reenrollment team shall include, at a minimum, the guidance counselor, the special education director or qualified designee as appropriate, the principal or assistant principal if designated, the reenrollment coordinator, and the parole officer. The student's parent(s) or legal guardians(s) and the school social worker or psychologist shall be invited to participate in meetings of the reenrollment team. The reenrollment team shall consult the student. If a student is eligible for special education services, the reenrollment team shall coordinate planning with the student's IEP team.

"Scholastic record" means records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, the high school transcript, student disciplinary records, achievement and test data, cumulative health records to include immunization records, reports of assessment for eligibility for special education services, and Individualized Education Programs.

The term "scholastic record" does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

Also, in accordance with § 22.1-289 of the Code of Virginia, a notice of adjudication or conviction received by a superintendent relating to an incident that did not occur on school property or during a school-sponsored activity shall not be part of a student's scholastic record.

"Students in detention homes/centers" means those students residing in detention homes or centers for more than 30 calendar days.

"Transition team" means the Department of Correctional Education (DCE) or detention home/center principal or assistant principal, the DCE or detention home/center counselor, the DCE transition specialist or the detention home/center teacher, the juvenile correctional center counselor, a representative of the student's IEP team, if applicable, and the student's parole officer. This team assembles the student's scholastic record and other relevant documents, develops the preliminary reenrollment plan in consultation with the student, and provides information and the preliminary plan to the receiving school division. Transition team members may also include the school division of origin for the student, if different from the receiving school division, and the reenrollment coordinator. Transition team members may also be part of the reenrollment team.

8 VAC20-660-20. Reenrollment plan components.

Reenrollment plans shall include but not be limited to:

1. Educational status and recommendations prior to commitment;
2. Educational status and recommendations of the Department of Correctional Education during the student's stay at the Reception and Diagnostic Center;
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice;
4. Educational and reentry goals for the student developed in coordination with the student's IEP team, if applicable;

5. Other student supports needed to promote the student's successful reentry to public school, such as counseling services;
6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for reenrollment;
7. Establishment of school placement upon release; and
8. Contact information for representatives of detention homes/centers, if applicable, the Department of Juvenile Justice, the Department of Correctional Education, and the reenrollment coordinator of the school division.

8 VAC20-660-30. Reenrollment process and responsibilities.

A. Notification and convening of teams.

1. The Department of Juvenile Justice, through the Juvenile Correctional Center's counselor, shall provide written notification to the Department of Correctional Education principal, detention home/center educational program principal or designated educational authority at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.
2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the reenrollment plan. Also upon notification, the Department of Correctional Education or detention home/center superintendent will provide a letter of pending release and an informative outline of the reenrollment process within five business days to the reenrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education or detention home/center within five business days.
3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education or detention home educational program shall forward the student's scholastic record and a preliminary reenrollment plan developed in consultation with the student to the school division reenrollment coordinator.
4. Within 10 business days of receipt of the materials, the reenrollment coordinator shall convene the reenrollment team to review the preliminary reenrollment plan and develop the final plan. The student's parent(s) or legal guardian(s) shall be invited by the reenrollment coordinator to attend a meeting where the final reenrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him at the meeting. The student shall be consulted in the development of the plan.
5. Notice of the scheduled meeting to develop the reenrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.
6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the reenrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of final reenrollment plan.

1. The reenrollment team shall develop a final reenrollment plan that clearly states:
 - a. The educational placement of the student and timeframe for placement,
 - b. The names of persons with responsibility and authority for prompt enrollment and their contact information,
 - c. The student's scheduled academic program and other supportive activities or services as appropriate,
 - d. The names and contact information of the members of transition and reenrollment teams, and

e. Anyother required components including an approved IEP if the student is enrolled in special education.

2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and reenrollment plan members no later than 10 calendar days prior to release.

C. Reenrollment.

1. The reenrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.

2. After the Department of Juvenile Justice gives notice of a student's scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he was committed.

3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.

4. Upon reenrollment the student shall receive weekly counseling for a determined period of time.

5. The receiving school division shall protect the confidentiality of the student's juvenile justice record according to applicable federal and state laws and regulations.

8 VAC20-660-40. Maintenance and transfer of the scholastic record.

A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.

B. The reenrollment coordinator for that school division will provide the record, including information concerning special education eligibility and services, and any other requested information to the Reception and Diagnostic Center or detention home/center to the attention of the Department of Correctional Education or detention home education program within five business days of receipt of the probation officer's request.

C. The school division where the student was last enrolled (sending school division) will maintain the student's scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education or detention home education program will provide copies of year-end transcripts to the reenrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.

D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.

E. School divisions shall provide current contact information for reenrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.

Disclosure of school records

LAWS

§ 22.1-3.2. Notice of student's school status required as condition of admission; penalty.

A. Prior to admission to any public school of the Commonwealth, a school board shall require the parent, guardian, or other person having control or charge of a child of school age to provide, upon registration:

1. A sworn statement or affirmation indicating whether the student has been expelled from

school attendance at a private school or in a public school division of the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record.

2. A sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained as provided in § 22.1-288.2.

B. When the child is registered as a result of a foster care placement as defined in § 63.2-100, the information required under this section shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

C. Any person making a materially false statement or affirmation shall be guilty upon conviction of a Class 3 misdemeanor.

§ 22.1-287. Limitations on access to records.

A. No teacher, principal or employee of any public school nor any school board member shall permit access to any records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

1. Either parent of such pupil or such pupil; provided that a school board may require that such pupil, if he be less than eighteen years of age, as a condition precedent to access to such records, furnish written consent of his or her parent for such access;
2. A person designated in writing by such pupil if the pupil is eighteen years of age or older or by either parent of such pupil if the pupil is less than eighteen years of age;
3. The principal, or someone designated by him, of a school where the pupil attends, has attended, or intends to enroll;
4. The current teachers of such pupil;
5. State or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties;
6. The Superintendent of Public Instruction, a member of his staff, the division superintendent of schools where the pupil attends, has attended, or intends to enroll or a member of his staff;
7. An officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

B. A parent or pupil entitled to see the records pursuant to subdivision A 1 of this section shall have access to all records relating to such pupil maintained by the school except as otherwise provided by law and need only appear in person during regular hours of the school day and request

to see such records. No material concerning such pupil shall be edited or withheld except as otherwise provided by law, and the parent or pupil shall be entitled to read such material personally.

C. The restrictions imposed by this section shall not apply to the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information.

D. Notwithstanding the restrictions imposed by this section:

1. A division superintendent of schools may, in his discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information provided for research;
2. The name and address of a pupil, the record of a pupil's daily attendance, a pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States government seeking this information in the course of his duties when the pupil is a veteran of military service with the United States, an orphan or dependent of such veteran, or an alien;
3. The record of a pupil's daily attendance shall be open for inspection and reproduction to an employee of a local department of social services who needs the record to determine the eligibility of the pupil's family for public assistance and social services;
4. The principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. In addition to those agencies or personnel identified in subdivisions 5 and 7 of subsection A, the principal or his designee may disclose identifying information from a pupil's scholastic record to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.

§ 22.1-287.02. Students' personally identifiable information.

A. The Department of Education shall develop and make publicly available on its website policies to ensure state and local compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and state law applicable to students' personally identifiable

information, including policies for (i) access to students' personally identifiable information and (ii) the approval of requests for student data from public and private entities and individuals for the purpose of research.

B. In cases in which electronic records containing personally identifiable information are reasonably believed by the Department of Education or a local school division to have been disclosed in violation of the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) or other federal or state law applicable to such information, the Department or local school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in § 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

§ 22.1-288.2. Receipt, dissemination and maintenance of records of certain law-enforcement information.

A. A division superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260, contained in a notice received by him pursuant to § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the student and (ii) have a legitimate educational interest in such information.

B. A parent, guardian or other person having control or charge of a student in a public school and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record, in accordance with regulations of the Board of Education governing the management of scholastic records.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260 received by a superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260, the notice shall become a part of the student's disciplinary record.

C. When a superintendent receives notice of the filing of a petition from the intake officer in

accordance with § 16.1-260, or upon request of a court services unit for information made in conjunction with the preparation of a social history report pursuant to § 16.1-273, the superintendent shall provide information regarding the student's educational and attendance status to the intake officer or court services unit, as the case may be. Whenever a division superintendent receives notice of a student's commitment to the Department of Juvenile Justice, the superintendent or his designee shall participate in the development of a reenrollment plan as provided in § 16.1-293.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term "scholastic record" also shall not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth.

Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20

U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of

§ 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

§ 22.1-289.01. School service providers; school-affiliated entities; student personal information.

A. For the purposes of this section:

"Elementary and secondary school purposes" means purposes that (i) customarily take place at the direction of an elementary or secondary school, elementary or secondary school teacher, or school division; (ii) aid in the administration of school activities, including instruction in the classroom or at home; administrative activities; and collaboration between students, school personnel, or parents; or (iii) are otherwise for the use and benefit of an elementary or secondary school.

"Machine-readable format" means a structured format that can automatically be read and processed by a computer such as comma-separated values (CSV), Javascript Object Notation (JSON), or Extensible Markup Language (XML). "Machine-readable format" does not include portable document format (PDF).

"Personal profile" does not include account information that is collected and retained by a school service provider and remains under control of a student, parent, or elementary or secondary school.

"School-affiliated entity" means any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth. "School-affiliated entity" includes alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

"School service" means a website, mobile application, or online service that (i) is designed and marketed primarily for use in elementary or secondary schools; (ii) is used (a) at the direction of teachers or other employees at elementary or secondary schools or (b) by any school-affiliated entity; and (iii) collects and maintains, uses, or shares student personal information. "School service" does not include a website, mobile application, or online service that is (a) used for the purposes of college and career readiness assessment or (b) designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with a local school division in the Commonwealth.

"Student personal information" means information collected through a school service that identifies a currently or formerly enrolled individual student or is linked to information that identifies a currently or formerly enrolled individual student.

"Targeted advertising" means advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information. "Targeted advertising" does not include advertising (i) that is presented to a student at an online location (a) on the basis of such student's

online behavior, use of applications, or sharing of student personal information during his current visit to that online location or

(b) in response to that student's request for information or feedback and (ii) for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising.

B. In operating a school service pursuant to a contract with a local school division, each school service provider shall:

1. Provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses, or shares such student personal information;
2. Maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;
3. Maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information and makes use of appropriate administrative, technological, and physical safeguards;
4. Facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used, or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;
5. Collect, maintain, use, and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the school division and the school service provider;
6. When it collects student personal information directly from the student, obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service;
7. Require any successor entity or third party with whom it contracts to abide by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information; and
8. Upon the request of the school or school division, delete student personal information within a reasonable period of time after such request unless the student or, if the student is less than 18 years of age, his parent consents to the maintenance of the student personal information by the school service provider; and
9. Provide, either directly to the student or his parent or through the school, access to an electronic copy of such student's personal information in a manner consistent with the

functionality of the school service. Contracts between local school boards and school service providers may require that such electronic copy be in a machine-readable format.

C. In operating a school service pursuant to a contract with a local school division, no school service provider shall knowingly:

1. Use or share any student personal information for the purpose of targeted advertising to students;
2. Use or share any student personal information to create a personal profile of a student other than for elementary and secondary school purposes authorized by the school division, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider; or
3. Sell student personal information, except to the extent that such student personal information is sold to or acquired by a successor entity that purchases, merges with, or otherwise acquires the school service provider, subject to the provisions of subdivision B 7.

D. Nothing in this section shall be construed to prohibit school service providers from:

1. Using student personal information for purposes of adaptive learning, personalized learning, or customized education;
2. Using student personal information for maintaining, developing, supporting, improving, or diagnosing the school service;
3. Providing recommendations for employment, school, educational, or other learning purposes within a school service when such recommendation is not determined in whole or in part by payment or other consideration from a third party;
4. Disclosing student personal information to (i) ensure legal or regulatory compliance, (ii) protect against liability, or (iii) protect the security or integrity of its school service; or
5. Disclosing student personal information pursuant to a contract with a service provider, provided that the school service provider (i) contractually prohibits the service provider from using any student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider, (ii) contractually prohibits the service provider from disclosing any student personal information provided by the school service provider to any third party unless such disclosure is permitted by subdivision B 7, and (iii) requires the service provider to comply with the requirements set forth in subsection B and prohibitions set forth in subsection C.

E. Nothing in this section shall be construed to:

1. Impose a duty upon a provider of an electronic store, gateway, marketplace, forum, or means for purchasing or downloading software or applications to review or enforce compliance with this section with regard to any school service provider whose school service is available for purchase or download on such electronic store, gateway, marketplace, forum, or means;

2. Impose liability on an interactive computer service, as that term is defined in 47 U.S.C. Section 230(f), for content provided by another individual; or

3. Prohibit any student from downloading, exporting, transferring, saving, or maintaining his personal information, data, or documents.

F. No school service provider in operation on June 30, 2016, shall be subject to the provisions of this section until such time as the contract to operate a school service is renewed.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

J. Information on disciplinary actions. (34 CFR 300.229)

1. The Virginia Department of Education requires that local educational agencies include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.

2. Local educational agencies are responsible for transmitting the statement to the Virginia Department of Education upon request to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

3. The statement may include:

- a. A description of any behavior engaged in by the child who required disciplinary action;
- b. A description of the disciplinary action; and
- c. Any other information that is relevant to the safety of the child and other individuals involved with the child.

4. If the child transfers from one school to another, the transmission of any of the child's records shall include the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.

8 VAC20-660-40. Maintenance and transfer of the scholastic record.

A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.

B. The reenrollment coordinator for that school division will provide the record, including information concerning special education eligibility and services, and any other requested information to the Reception and Diagnostic Center or detention home/center to the attention of the Department of Correctional Education or detention home education program within five business days of receipt of the probation officer's request.

C. The school division where the student was last enrolled (sending school division) will maintain the student's scholastic record during the period that the student is in the custody of the

Department of Juvenile Justice. The Department of Correctional Education or detention home education program will provide copies of year-end transcripts to the reenrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.

D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.

E. School divisions shall provide current contact information for reenrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

§ 22.1-269.1. Alternative attendance programs.

C. From such funds as may be appropriated, the Board shall provide for the independent evaluation of this alternative attendance program and shall submit the evaluation to the Governor, the Senate, and the House of Delegates by January 1 of each year.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

REGULATIONS

8VAC20-560-10. Reportable incidents.

The principal of each public school shall collect and maintain information on the following events which occur on school property, on a school bus, or at a school-sponsored activity, and shall report the information semi-annually to the division superintendent on dates established by the superintendent. The division superintendent shall submit annually to the Department of Education, on forms provided by the department, an aggregate report of such incidents on or before the last day of October.

1. Incidences of crime and violence.
 - a. Physical battery.
 - (1) On school personnel by students.
 - (2) On students by students.
 - (3) On students by persons other than students.
 - b. Sexual battery.
 - (1) On school personnel by students.
 - (2) On students by students.
 - (3) On students by persons other than students.
 - c. Homicides.

- (1) On school personnel by students.
 - (2) On students by students.
 - (3) On students by persons other than students.
 - d. Possession of weapons.
 - e. Possession of alcohol.
 - f. Possession of drugs.
 - g. Possession of tobacco products.
2. Students involved in incident of crime and violence.
- a. Total number of students involved in physical assaults.
 - (1) Perpetrator (categorized by grade and gender).
 - (2) Victims (categorized by grade and gender).
 - b. Total number of students involved in sexual battery.
 - (1) Perpetrator (categorized by grade and gender).
 - (2) Victims (categorized by grade and gender).
 - c. Total number of students involved in homicides.
 - (1) Perpetrator (categorized by grade and gender).
 - (2) Victims (categorized by grade and gender).
 - d. Total number of students involved in possession of weapons (categorized by grade and gender).
 - e. Total number of students involved in possession of alcohol (categorized by grade and gender).
 - f. Total number of students referred (by self or others) for assistance with substance abuse problems (categorized by grade and gender).
 - g. Total number of students involved in possession of drugs (categorized by grade and gender).

**School Resource and Safety Officers (SROs/SSOs) and
Truant/Attendance Officers**

Authority and power to implement school arrest

LAWS

§ 22.1-266. Law-enforcement officers and truant children.

A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

C. For the purposes of this section, "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school- sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and

(iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the

establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

§ 9.1-184. Virginia Center for School Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

§ 22.1-280.2:1. Employment of school security officers.

Local school boards may employ school security officers, as defined in § 9.1-101 for the purposes set forth therein. Such school security officer may carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board he was an active law-enforcement officer as defined in § 9.1-101 in the Commonwealth; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications described in subsection C of § 18.2-308.016; (iv) he has provided proof of completion of a training course that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment to the Department of Criminal Justice Services pursuant to subdivision 42 of § 9.1-102, provided that if he received such training from a local law-enforcement agency he received the training in the locality in which he is employed; (v) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and (vi) the local school board grants him the authority to carry a firearm in the performance of his duties.

REGULATIONS

No relevant regulations found.

MOUs, authorization and/or funding

LAWS

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school- sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and

(iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and

federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

§ 9.1-110. School Resource Officer Grants program and fund.

A. From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement to employ uniformed school resource officers, as defined in § 9.1-101, in middle and high schools within the relevant school division. The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety and prevent truancy and violence in schools.

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

§ 9.1-184. Virginia Center for School Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

7. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration

and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use non-instructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within 10 school days with the pupil, his parent, and school personnel, which conference may include other community service providers, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 15 school days after the sixth absence. Upon the next absence by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall notify the attendance officer or the division superintendent or his designee, as the

case may be, who shall enforce the provisions of this article by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) instituting proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.

The attendance officer or the division superintendent or his designee shall check the reports submitted pursuant to subsection A of § 22.1-260 with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the attendance officer or the division superintendent or his designee shall, within five days after receiving all reports submitted pursuant to subsection A of § 22.1-260, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. It shall be the duty of the attendance officer, on behalf of the local school board, to investigate all cases of non-enrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice.

§ 22.1-266. Law-enforcement officers and truant children.

A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil

damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

C. For the purposes of this section, "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

§ 22.1-280.2:1. Employment of school safety personnel.

Local school boards may employ school security officers, as defined in § 9.1-101 for the purposes set forth therein. Such school security officer may carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board he was an active law-enforcement officer as defined in § 9.1-101 in the Commonwealth; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications described in subsection C of § 18.2-308.016; (iv) he has provided proof of completion of a training course that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment to the Department of Criminal Justice Services pursuant to subdivision 42 of § 9.1-102, provided that if he received such training from a local law-enforcement agency he received the training in the locality in which he is employed; (v) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and (vi) the local school board grants him the authority to carry a firearm in the performance of his duties.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies. In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of

student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

D. Each school board shall include in its code of student conduct, policies and procedures that include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal to notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

§ 22.1-291.4. Bullying prohibited.

Each school board shall implement, by July 1, 2014, policies and procedures to educate school board employees about bullying, as defined in § 22.1-276.01, and the need to create a bully-free environment.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

§ 22.1-209.1:2. Regional alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of regional alternative education options for elementary, middle, and high school students in compliance with subdivision D 7 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Juvenile Justice's Division of Education and the relevant division superintendent as requiring a regional alternative education program. Based on available space, a student may also be administratively assigned to a regional alternative education program either at the request of the parent and with the consent of the division superintendent or by the division superintendent after written notice to the student and his parent. Such notice of the opportunity for the student and/or his parent to participate in a hearing conducted by the division superintendent or his designee regarding such placement shall be issued and the assignment shall be final unless altered by the school board, upon timely written petition, in accordance with regulations of the school board, by the student or his parent, for a review of the record by the school board. However, no child shall be assigned to any regional alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program.

B. Applications for grants shall include the following components:

C. An agreement executed by two or more school divisions and approval of their respective governing bodies to offer a regional alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

D. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

- E. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Juvenile Justice.
- F. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.
- G. An emphasis on building self-esteem and the promotion of personal and social responsibility.
- H. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.
- I. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.
- J. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.
- K. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.
- L. The number of children who maybe assigned to the regional alternative education program during the school year.
- M. A plan for transitioning the enrolled students into the relevant school division's regular program.
- N. A current program of staff development and training.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

- B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; an
2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

REGULATIONS

§ 22.1-269.1. Alternative attendance programs.

C. From such funds as may be appropriated, the Board shall provide for the independent evaluation of this alternative attendance program and shall submit the evaluation to the Governor, the Senate, and the House of Delegates by January 1 of each year.

Other or Uncategorized

Professional immunity or liability

LAWS

§ 8.01-220.1:2. Civil immunity for teachers under certain circumstances.

- A. Any teacher employed by a local school board in the Commonwealth shall not be liable for any civil damages for any acts or omissions resulting from the supervision, care or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of supervision, care or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct.
- B. No school employee or school volunteer shall be liable for any civil damages arising from the prompt good faith reporting of alleged acts of bullying or crimes against others to the appropriate school official in compliance with §§ 22.1-279.6 and 22.1-291.4 and specified procedures.
- C. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, to affect any claim occurring prior to the effective date of this law, or to prohibit any person subject to bullying or a criminal act from seeking redress under any other provision of law.

§ 8.01-47. Immunity of persons investigating or reporting certain incidents at school.

In addition to any other immunity he may have, any person who, in good faith with reasonable cause and without malice, acts to report, investigate or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to conduct involving bomb threats, firebombs, explosive materials or other similar devices as described in clauses (vi) and (vii) of subsection A of § 22.1-279.3:1, alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, or information that an individual poses any credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property, shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation or disclosure.

§ 16.1-309. Penalty.

- A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii) participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed concerning such allegations and whose information is derived solely from such interview or (v) is present during any court proceeding, who discloses or makes use of or knowingly permits the use of identifying information not otherwise available to the public concerning a juvenile who is suspected of being or is the subject of a proceeding within the jurisdiction of the juvenile court pursuant to subdivisions A 1 through 5 or subdivision A 7 of § 16.1-241 or who is in the custody of the State Department of Juvenile Justice, which information is directly or indirectly derived from the records or files of a law-enforcement agency, court or

the Department of Juvenile Justice or acquired in the course of official duties, is guilty of a Class 3 misdemeanor.

B. The provisions of this section shall not apply to any law-enforcement officer or school employee who discloses to school personnel identifying information concerning a juvenile who is suspected of committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is committed or alleged to have been committed on school property during a school-sponsored activity or on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school personnel to take appropriate disciplinary action within the school setting against the juvenile. Further, the provisions of this section shall not apply to school personnel who disclose information obtained pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made in compliance with those sections.

§ 22.1-266. Law-enforcement officers and truant children.

A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

C. For the purposes of this section, "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

§ 22.1-279.3. Parental responsibility and involvement requirements.

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

§ 22.1-209.1:2. Regional alternative education programs for certain students.

B. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to offer a regional alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.
2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.
3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Juvenile Justice.
4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.
5. An emphasis on building self-esteem and the promotion of personal and social responsibility.
6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.
7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.
8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.
9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate,

the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.

10. The number of children who maybe assigned to the regional alternative education program during the school year.
11. A plan for transitioning the enrolled students into the relevant school division's regular program.
12. A current program of staff development and training.

§ 22.1-279.3. Parental responsibility and involvement requirements.

- A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.
- B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local school boards' authority; Board of Education to promulgate regulations.

- A. As used in this section:

"School crime line" means a confidential, anonymous system providing inducements for students to report any unlawful act occurring in school buildings or on school grounds or during school-sponsored activities to local law-enforcement authorities which is established as a cooperative alliance between the local school board, news media, the community, and law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors or as part of a local "Crime Stoppers" program.

- B. In order to reduce crime and violence within the school divisions in the Commonwealth, any local school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance

with news media, the community, and law-enforcement authorities to receive, screen, and reward student reports of unlawful acts committed in school buildings or on school grounds or at school functions, when such reports lead to arrests or recovery of contraband or stolen property. Police or other law-enforcement personnel shall staff every school crime line program, receive reported information from anonymous student callers, screen such information, and direct information for further investigation, as may be appropriate.

C. Such programs may be established (i) by a local school board as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a separate nonprofit corporation initiated jointly by the local school board, news media, the community, and law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime Stoppers" program.

The governing board of any separate nonprofit school crime line corporation shall include broad-based community representation and shall, through its bylaws, set the policy, coordinate fund raising, and formulate a system of rewards. Prior to implementation of any school crime line program and annually thereafter, the local school board shall review and approve, as complying with the Board of Education's regulations for implementation of school crime lines, its regulations or the bylaws of any nonprofit school crime line corporation or the bylaws of any nonprofit "Crime Stoppers" corporation operating a school crime line. No school crime line program shall be implemented or revised without first obtaining the local school board's approval. Every local school board developing a school crime line program shall also notify all students and their parents or other custodian of the procedures and policies governing the program prior to implementation and annually thereafter.

D. By July 1, 1994, the Board of Education shall promulgate regulations for the implementation of school crime lines, including, but not limited to, appropriate fund raising, and the appropriateness of and limitations on rewards. In developing the regulations, the Board shall, in consultation with the Office of the Attorney General, address issues relating to civil rights, privacy, and any other question of law, including the civic duty to report crime without compensation.

E. Local school boards may establish, as a separate account, a school crime line fund, consisting of private contributions, local appropriations specifically designated for such purposes, and such funds as may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state or local funds appropriated for educational purposes shall be used to implement a school crime line.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Virginia provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Virginia Department of Education, Student Conduct and Discipline	VDOE webpage with links to resources.	http://www.doe.virginia.gov/support/student_conduct/index.shtml
Virginia Department of Education, Bullying Prevention	Department of Education bullying prevention webpage, containing links to additional resources.	http://www.doe.virginia.gov/support/prevention/bullying/index.shtml
Virginia Department of Education, Internet Safety	Department of Education internet safety webpage, containing links to additional resources.	http://www.doe.virginia.gov/support/safety_crisis_management/internet_safety/index.shtml
Virginia Department of Education, Virginia Tiered Systems of Support (VTSS)	Department of Education webpage on response to intervention.	http://doe.virginia.gov/support/virginia_tiered_system_supports/index.shtml
<i>Documents</i>		
Virginia Board of Education, Student Code of Conduct Policy Guidelines (January 2015)	Student conduct policy guidelines.	http://www.doe.virginia.gov/boe/guidance/safety/student_conduct.pdf

Virginia Department of Education, A Parent's Guide to Understanding Student Discipline Policies and Practices in Virginia Schools	Parent's guide to discipline.	http://www.doe.virginia.gov/support/student_conduct/parents_guide_student_discipline_policies.pdf
Virginia Department of Education, Model Policy to Address Bullying in Virginia's Public Schools	Guidance for school divisions on policy and best practices.	http://www.doe.virginia.gov/support/prevention/bullying/model_policy_to_address_bullying_in_va_schools.pdf
Virginia Commission on Youth Report, Guide to Local Alternative Education Options for Suspended and Expelled Students in the Commonwealth	Guide on alternative education.	http://www.doe.virginia.gov/support/student_conduct/guide_local_alternative_ed_options.pdf

Title	Description	Website address (if applicable)
Documents		
Virginia Department of Education, Managing Student Behaviors In Emergency Situations in Virginia Public Schools, Focusing on Physical Restraint and Seclusion	Guide on physical restraint and seclusion in emergency situations.	http://www.doe.virginia.gov/support/student_conduct/guidelines_managing_behaviors_emergency.pdf
Virginia Department of Education, Guidelines for Conducting Functional, Behavioral Assessment and Developing Positive Behavior Intervention and Supports/Strategies	Process guidance for functional behavioral assessment, behavioral intervention and academic and behavioral supports.	http://www.doe.virginia.gov/support/student_conduct/fba_guidelines.pdf
Virginia Department of Education, Student Assistance Programming: Creating Positive Conditions for Learning	Manual of guidelines for student assistance programming.	http://www.doe.virginia.gov/support/student_assistance_programming/sap_manual.pdf
Virginia Department of Education, Discipline of Children with Disabilities	Technical assistance resource document on discipline of children with disabilities.	http://www.doe.virginia.gov/support/student_conduct/discipline_children_disabilities.pdf
Virginia Department of Education, Study of the Nature and Effectiveness of Virginia School Divisions' Antibullying Policies	Presentation of findings of study on antibullying policies as presented to General Assembly.	http://www.doe.virginia.gov/support/prevention/bullying/2011_legislative_study.pdf
Virginia Department of Education, Suicide Prevention Guidelines, 2003	Suicide prevention and data for Virginia.	http://www.doe.virginia.gov/boe/guidance/health/suicide_prevention.pdf
Other Resources		
Virginia Department of Education, Gun Safety	Department of Education gun safety webpage, containing links to additional resources.	http://www.doe.virginia.gov/support/safety_crisis_management/gun_safety/index.shtml
Virginia Department of Education, Transformative Classroom Management	An online twelve session professional development series for creating an engaging classroom.	http://doe.virginia.gov/support/school_improvement/training/transformative_classroom_mgt/index.shtml
Virginia Department of Education, State Quality Profile – Learning Climate	Provides discipline data for suspensions and expulsions by offense type, and length of suspension, by race/ethnicity.	http://schoolquality.virginia.gov/virginia-state-quality-profile#desktopTabs-6

Title	Description	Website address (if applicable)
Virginia Department of Criminal Justice Services Center for School and Campus Safety	Juvenile Law Handbook for School Administrators can be used as a source of information and collection of resources for decision makers.	https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/law-enforcement/juvenile-law-handbook.pdf
Virginia Department of Criminal Justice Services Center for School and Campus Safety (VCSCS)	The VCSCS is a resource and training center for information and research about national and statewide safety efforts and initiatives in K-12 schools and higher educations.	http://www.dcjs.virginia.gov/virginia-center-school-and-campus-safety
Virginia Department of Criminal Justice Services Virginia Center for School and Campus Safety Guidance on Required Evacuation/Fire and Lock-Down Drills	This document includes references and summaries of the Code of Virginia and the Virginia Administrative Code related to school safety.	https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/law-enforcement/guidance-required-drills-fall-2016.pdf
Virginia Department of Criminal Justice Services Virginia Center for School and Campus Safety Crisis Emergency Management and Medical Emergency Response Plan Quick Guide	This Quick Guide is designed to assist school and school division personnel, administrators, and decision makers in the pursuit of safety preparedness.	https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/law-enforcement/school-crisis-emergency-management-and-medical-emergency-response-plan-quick-guide_0.pdf
Virginia Department of Criminal Justice Services Virginia Center for School and Campus Safety Threat Assessment Model Policies, Procedures, and Guidelines	Provides schools with “a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students.” As required by Code of Virginia.	https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/law-enforcement/threat-assessment-model-policies-procedures-and-guidelinespdf.pdf

APPENDIX F GUN FREE SCHOOL REQUIREMENTS

Link: [PUBLIC LAW 107-110, NO CHILD LEFT BEHIND ACT OF 2001, TITLE IV, PART A, SECTION 4141, GUN-FREE REQUIREMENTS](#)

SEC. 4141. GUN-FREE REQUIREMENTS.

(a) SHORT TITLE - This subpart may be cited as the *Gun-Free Schools Act*.

(b) REQUIREMENTS -

1. IN GENERAL - Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.
2. CONSTRUCTION - Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.
3. DEFINITION - For the purpose of this section, the term firearm has the same meaning given such term in section 921(a) of title 18, *United States Code*.

(c) SPECIAL RULE - The provisions of this section shall be construed in a manner consistent with the *Individuals with Disabilities Education Act*.

(d) REPORT TO STATE - Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance -

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including -

- (A) the name of the school concerned;
- (B) the number of students expelled from such school; and
- (C) the type of firearms concerned.

(e) REPORTING - Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) DEFINITION - For the purpose of subsection (d), the term school means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) EXCEPTION - Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL -

(1) IN GENERAL - No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) DEFINITION - For the purpose of this subsection, the term school has the same meaning given to such term by section 921(a) of title 18, *United States Code*.

Definitions of "Other Firearms"

Firearms other than handguns, rifles, or shotguns as defined in Section 921, Title 18 of the *United States Code*. According to Section 921, the following are within the definitions:

1. any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile from the action of any explosive
2. the frame or receiver of any weapon described above
3. any firearm muffler or firearm silencer
4. any destructive device, which includes:
 - (a) any explosive, incendiary, or poison gas
 - (1) Bomb,
 - (2) Grenade,
 - (3) Rocket having a propellant charge of more than four ounces,
 - (4) Missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (5) Mine, or
 - (6) Similar device.
 - (b) any weapon which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.
 - (c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

Note: This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns. According to Section 921, antique firearms are not included in the definition.

APPENDIX G RELATED RESOURCE MATERIALS, PUBLICATIONS, AND WEBSITES

Links for School Safety and Crisis Management

Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations in Virginia Public Schools. (2005) Virginia Department of Education. *Guidelines for the Management of the Student's Scholastic Record in the Public Schools of Virginia* (May 2004).

Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Protocols Code of Virginia § 22.1-79.4. *Threat assessment teams and oversight committees.*

Acceptable Use Policies: A Handbook. Virginia Department of Education.

Guidelines and Resources for Internet Safety in Schools (August 2006). Virginia Department of Education, Office of Educational Technology

[Office of Safe and Healthy Students in the Office of Elementary and Secondary Education at U.S. Department of Education](#)

[Bomb Threat Assessment Guide \(Oct. 2003\), an interactive CD-ROM, developed by the U.S. Department of Education and the Bureau of Alcohol, Tobacco, and Firearms](#)

[Disaster Preparedness and Response for Schools. National Clearinghouse for Educational Facilities](#)

[Model School Crisis Management Plan \(2002\). Virginia Department of Education](#)

[Practical Information on Crisis Planning: A Guide for Schools and Communities \(2003\) \(2007\)](#)

[Resource Guide for Crisis Management and Emergency Response in Virginia Schools. \(2002\) \(2007\). Virginia Department of Education](#)

[Safety and Crisis Management, Virginia Department of Education, Student and School Support](#)

[The Virginia Educator's Guide for Planning and Conducting School Emergency Drills. Virginia Department of Criminal Justice Services](#)

The [Virginia Center for Campus and School Safety](#) website provides information on the following topics and issues:

1. School safety audits
2. School personnel training and programs
3. School resource officer (SRO) training and programs
4. School security officer (SSO) training
5. School critical incident response
6. Publications related to school safety and security

Links to Related Federal Regulations, and Nonregulatory Guidance

[Regulations Governing Special Education Programs for Children with Disabilities in Virginia \(2010\). Virginia Department of Education. Link: Section 8 VAC 20-81-160](#) - Discipline Procedures (p. 80.)

[U.S. Department of Education, School Climate and Laws](#) (Includes information on how schools can meet their obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin.)

[Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act \(January 22, 2004\).](#) U.S. Department of Education.

[Unsafe School Choice Option Non-Regulatory Guidance \(May, 2004\).](#) U.S. Department of Education.

Links to Resources for Preventing and Managing Student Discipline Problems

U.S. Department of Education, [Guiding Principles: A Resource Guide for Improving School Climate and Discipline](#), Washington, D.C., 2014.

[A Parent's Guide to Understanding Student Discipline Policies and Practices](#), Virginia Department of Education

[Bullying Prevention](#), Virginia Department of Education, Student and School Supports web page

Community Collaboration: [The Intersection of Juvenile Courts and Exclusionary School Discipline](#)

Community Collaboration: [School Pathways to the Juvenile Justice System Project: A Practice Guide](#)

[Character Education](#), Virginia Department of Education, Student and School Supports web page

Functional Behavioral Assessment, Behavioral Intervention Plans, and Positive Intervention and Supports: An Essential Part of Effective Schoolwide Discipline in Virginia (2008) (AKA Positive Behavioral Interventions and Supports) Virginia Department of Education web page

[Resources for Prevention and Intervention for Student Attendance](#)

National School Climate Center website

Positive Behavioral Interventions and Supports (Virginia Tiered System of Supports) website and publications

Safe Supportive Schools U.S. Department of Education website

Student Assistance Programming: Creating Positive Conditions for Learning, 2013. Virginia Department of Education web page and publications

Transformative Classroom Management – Professional development online series, Virginia Department of Education, Office of School Improvement and Reform web page

Virginia Juvenile Law Handbook for School Administrators 2013 Update. Virginia Department of Criminal Justice Services

Virginia School Search Resource Guide. (October 2000). Virginia Department of Education

REFERENCES

- A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools*. Dignity in Schools, (October 2013) Retrieved October 2017 from Dignity in Schools:
http://dignityinschools.org/wp-content/uploads/2017/10/Model_Code_2013-1.pdf.
- Alternatives to Suspension. (2012) Hanover Research. District Administration Practice; 4401 Wilson Boulevard, Suite 400, Arlington, VA., cited from Losen, Daniel J. and Jonathan Gillespie. "Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School." August 2012. The Civil Rights Project. Pg. 16. <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-ccrr-research/>
- American Psychological Association, 2008; Christle, Jolivette, & Nelson, 2005; Crone & Hawken, 2010; Liaupsin, Umbreit, Ferro, Urso, & Upreti, 2006; Luiselli, Putnam, Handler, & Feinberg, 2005; Putnam, Horner, & Algozzine, 2006; Skiba & Sprague, 2008; Theriot, Craun, & Dupper, 2010. Retrieved January 2018 from U. S. Department of Education Rethinking Discipline website.
<https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.
- American School Counselors Association. (2018) ASCA Mindsets & Behaviors for Student Success. Retrieved March 2017 from <https://www.schoolcounselor.org/school-counselors/about-asca/mindsets-behaviors>
- Association for Supervision and Curriculum Development. (2013) Whole Child Indicators. Retrieved March 2018 from <http://www.wholechildeducation.org/assets/content/mx-resources/wholechildindicators-all.pdf>.
- Atkinson, Anne J. (2017) Virginia School-Law Enforcement Partnership Model Memorandum of Understanding. Virginia Center for School and Campus Safety. Richmond, Virginia.
- Cardichon, Jessica, EdD and Roc, Martens. (September 2013). *Climate Change: Implementing School Discipline Practices That Create a Positive School Climate*. Retrieved November 2017 from [Alliance for Excellent Education](#).
- Climate Change: Implementing School Discipline Practices That Create a Positive School Climate*, (September 2010) as cited in D. Losen and R. J. Skiba, *Suspended Education: Urban Middle Schools in Crisis*. (August 2010). Montgomery, AL: Southern Poverty Law Center.
- [Closing the Gap: Creating Equity in Education](#). (2017) Hanover Research, 4401 Wilson Boulevard, Suite 400, Arlington, VA, 22203, 2017.
- Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). *A Framework for safe and successful schools* [Brief]. Bethesda, MD: National Association of School Psychologists.
- DeSalvo, Catherine, MS and Matthew Buckman, PhD. (2016) *Positive Alternatives to Suspension*, Boys Town Press, Boys Town, Nebraska,
- Durlak, Joseph A; Weissberg, Roger P; Dymnicki, Allison B.; Taylor, Rebecca D. and Schellinger, Kriston B.(Jan.-Feb. 2011) *The Impact of Enhancing Students' Social Emotional Learning: A Meta-Analysis of School-*

based Universal Interventions. *Child Development Journal*, vol. 82. #1. Retrieved (February 2018) from <http://www.casel.org/wp-content/uploads/2016/01/meta-analysis-child-development-1.pdf>

Educating the Whole Child. (2017) Hanover Research. District Administration Practice; 4401 Wilson Boulevard, Suite 400, Arlington, VA, 22203.

Education Systems Reform. (n.d.). *Middle School Peer Mediation*. Retrieved March 26, 2013, from <http://esrnational.org/professional-services/middle-school/prevention/peer-mediation/> as cited in [Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools](#). The Atlantic Philanthropies, March 2014.

Emmons et al., 1996; Johnson, Pas, & Bradshaw. (2015) La Salle, Meyers, Varjas, & Roach, 2014 as cited in [Fix School Discipline: Educator's Toolkit](#). Public Counsel Publications.

Emmons et al., 1996; Johnson, Pas, & Bradshaw, 2015; La Salle, Meyers, Varjas, & Roach, 2014 as cited in Technical Brief, *School Climate: Academic Achievement and Social Behavior Competence*, Center for Positive Behavioral Interventions and Supports, September 14, 2016.

[Fix School Discipline: Educator's Toolkit](#). (2017) Public Counsel Publications. Retrieved February 2018 from FixSchoolDiscipline.org.

Langberg, Jason and Ciolfi, Angela. (2016) *Protecting Childhood: A Blueprint for Developmentally Appropriate School Policing in Virginia*. Just Children Program of the Legal Aid Justice Center, Charlottesville, Virginia.

Losen, Daniel J. and Jonathan Gillespie. (2012) *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*. The Civil Rights Project, cited in Hanover Research: *Alternatives to Suspension*, District Administration Practice, 4401 Wilson Boulevard, Suite 400, Arlington, VA, 22203.

[Model Policy to Address Bullying](#). (October 2013) Virginia Department of Education.

Morgan, E., Salomon, N., Plotkin, M., and Cohen, R. (2014) *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*. The Council of State Governments Justice Center. New York.

Prioritizing Social Emotional Learning in School Districts. (2017) Hanover Research. 4401 Wilson Boulevard, Suite 400, Arlington, VA 22203.

[Profile of a Virginia Graduate](#). (2017) Virginia Department of Education, Richmond, VA.

[Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools](#). The Atlantic Philanthropies, March 2014. Retrieved March 2018 from The Schott Foundation for Public Education, 675 Massachusetts Ave., Cambridge, MA 02139. <http://schottfoundation.org/restorative-practices>.

Skiba, Russell, J., Losen, Daniel. (2015-2016) *From Reaction to Prevention*, American Educator.

Sugai, George, Tamika La Salle, Jennifer Freeman, Brandi Simonsen, and Sandy Chafouleas. (2016). *School Climate: Academic Achievement and Social Behavior Competence Center for Positive Behavioral Interventions and Supports*. Prepared for PBIS Center by at Center for Behavioral Education and Research, University of Connecticut.

The *Code of Virginia* available at <https://law.lis.virginia.gov/vacode>.

The Urban School of San Francisco. Statement on Diversity, Inclusion, and Equity. (2012) Retrieved October 2017 from Urbanschool.org at <https://www.urbanschool.org/uploaded/documents/StatementDiversityInclusionEquity.pdf>

U.S. Department of Education. [*Directory of Federal School Climate and Discipline Resources*](#). Washington, D.C., 2014.

U.S. Department of Education. [*Guiding Principles: A Resource Guide for Improving School Climate and Discipline*](#), Washington, DC. 2014.

[*Virginia's Revised Standards of Accreditation*](#). (2018) Virginia Department of Education, Richmond, VA.

Wachtel, Joshua. *Fairfax, Virginia, developing restorative practices in schools, juvenile justice & policing*. Retrieved March 2018 from International Institute for Restorative Practices, (Oct. 3, 2013) <https://www.iirp.edu/news-from-iirp/fairfax-virginia-developing-restorative-practices-in-schools-juvenile-justice-policing>.

Superintendent's Memo #291-18



COMMONWEALTH of VIRGINIA
Department of Education

DATE: October 12, 2018
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: Definition of "Aggravating Circumstances"

Legislation enacted July 1, 2018, directed the Virginia Department of Education to define "aggravating circumstances" concerning suspension of students. The Virginia Department of Education staff and multiple stakeholder groups collaborated to create the following definition:

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

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

When considering suspension of a student for more than the number of days allowed by the new legislation, a division superintendent or a school board should apply this definition.

In light of the changes to the legislation regarding suspension, the department will also make changes to the 2018-2019 Discipline, Crime, and Violence (DCV) data collection process. School divisions will receive additional guidance on new submission procedures in a separate document.

For information or guidance, please contact Bobby Kipper, School Safety Specialist, Office of Student Services, by email at Bobby.Kipper@doe.virginia.gov, or telephone at (804) 225-4653, or Rebecca Counts Kahila, Office

of Student Services, School Safety Specialist, by email at Rebecca.Kahila@doe.virginia.gov, or telephone at (804) 225-4654.

JFL/BK/RCK/rt

Aggravating Circumstances – PK through Grade Three Suspensions

A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.

B. Except as provided in subsection C or § [22.1-277.07](#) or [22.1-277.08](#), no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.

FERPA -FAQs on Photos and Videos

<https://studentprivacy.ed.gov/fag/fags-photos-and-videos-under-ferpa>

1. When is a photo or video of a student an education record under FERPA?

As with any other “education record,” a photo or video of a student is an education record, subject to specific exclusions, when the photo or video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. (20 U.S.C. 1232g(a)(4)(A); 34 CFR § 99.3 “Education Record”)[1] Directly Related to a Student:

FERPA regulations do not define what it means for a record to be “directly related” to a student. In the context of photos and videos, determining if a visual representation of a student is *directly* related to a student (rather than just incidentally related to him or her) is often context-specific, and educational agencies and institutions should examine certain types of photos and videos on a case by case basis to determine if they directly relate to any of the students depicted therein. Among the factors that may help determine if a photo or video should be considered “directly related” to a student are the following:

- The educational agency or institution uses the photo or video for disciplinary action (or other official purposes) involving the student (including the victim of any such disciplinary incident);
- The photo or video contains a depiction of an activity:
 - that resulted in an educational agency or institution’s use of the photo or video for disciplinary action (or other official purposes) involving a student (or, if disciplinary action is pending or has not yet been taken, that would reasonably result in use of the photo or video for disciplinary action involving a student);
 - that shows a student in violation of local, state, or federal law;
 - that shows a student getting injured, attacked, victimized, ill, or having a health emergency;
- The person or entity taking the photo or video intends to make a specific student the focus of the photo or video (e.g., ID photos, or a recording of a student presentation); or
- The audio or visual content of the photo or video otherwise contains personally identifiable information contained in a student’s education record.

A photo or video should not be considered directly related to a student in the absence of these factors and if the student’s image is incidental or captured only as part of the background, or if a student is shown participating in school activities that are open to the public and without a specific focus on any individual.

Examples of situations that may cause a video to be an education record:

- A school surveillance video showing two students fighting in a hallway, used as part of a disciplinary action, is directly related to the students fighting.
- A classroom video that shows a student having a seizure is directly related to that student because the depicted health emergency becomes the focus of the video.
- If a school maintains a close-up photo of two or three students playing basketball with a general view of student spectators in the background, the photo is directly related to the basketball players because they are the focus of the photo, but it is not directly related to the students pictured in the background. Schools often designate photos or videos of students participating in public events (e.g.,

sporting events, concerts, theater performances, etc.) as directory information and/or obtain consent from the parents or eligible students to publicly disclose photos or videos from these events.

- A video recording of a faculty meeting during which a specific student's grades are being discussed is directly related to that student because the discussion contains PII from the student's education record.

Maintained by an educational agency or institution:

To be considered an education record under FERPA, an educational agency or institution, or a party acting for the agency or institution, also must maintain the record. Thus, a photo taken by a parent at a school football game would not be considered an education record, even if it is directly related to a particular student, because it is not being maintained by the school or on the school's behalf. If, however, the parent's photo shows two students fighting at the game, and the parent provides a copy of the photo to the school, which then maintains the photo in the students' disciplinary records, then the copy of the photo being maintained by the school is an education record.

Exclusion for Law Enforcement Unit Records

The FERPA statute and regulations (20 U.S.C. 1232g(a)(4)(B)(ii) and 34 CFR §§ 99.3 and 99.8) exclude from the definition of education records those records created and maintained by a law enforcement unit of an educational agency or institution for a law enforcement purpose. Thus, if a law enforcement unit of an educational agency or institution creates and maintains the school's surveillance videos for a law enforcement purpose, then any such videos would not be considered to be education records. If the law enforcement unit provides a copy of the video to another component within the educational agency or institution (for example, to maintain the record in connection with a disciplinary action), then the copy of the video may become an education record of the student(s) involved if the video is not subject to any other exclusion from the definition of "education records" and the video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

2. Can the same recorded image be the education record of more than one student under FERPA?

Yes. For example, a surveillance video that shows two students fighting on a school bus that the school uses and maintains to discipline the two students, would be "directly related to" and, therefore, the education record of both students.

3. If a video is an education record for multiple students, can a parent of one of the students or the eligible student view the video?

When a video is an education record of multiple students, in general, FERPA requires the educational agency or institution to allow, upon request, an individual parent of a student (or the student if the student is an eligible student) to whom the video directly relates to inspect and review the video. FERPA generally does not require the educational agency or institution to release copies of the video to the parent or eligible student.

In providing access to the video, the educational agency or institution must provide the parent of the student (or the student if the student is an eligible student) with the opportunity to inspect and review the video. If

the educational agency or institution can reasonably redact or segregate out the portions of the video directly related to other students, without destroying the meaning of the record, then the educational agency or institution would be required to do so prior to providing the parent or eligible student with access. On the other hand, if redaction or segregation of the video cannot reasonably be accomplished, or if doing so would destroy the meaning of the record, then the parents of each student to whom the video directly relates (or the students themselves if they are eligible students) would have a right under FERPA to access the entire record even though it also directly relates to other students.

For a fuller legal analysis and explanation of this issue, please see the [2017 Letter to Wachter](#).

4. If a video is an education record for multiple students, can the parent of one of the students (or the eligible student) receive a copy of the video?

While we do not advise on an educational agency's or institution's obligations under any state open records laws that may apply, we note that FERPA does not generally require an educational agency or institution to provide copies of education records to parents and eligible students^[2]. That said, it would not violate FERPA for an educational agency or institution to non-consensually disclose to an eligible student or to his or her parents copies of education records that the eligible student or his or her parents otherwise would have the right to inspect and review under FERPA.

For a fuller legal analysis and explanation of this issue, please see the [2017 Letter to Wachter](#).

5. If redaction or segregation of an education record of multiple students can be reasonably accomplished without destroying the meaning of the education record, can educational agencies and institutions charge parents or eligible students for the costs of the redaction or segregation?

No. FERPA provides parents and eligible students with the right to inspect and review the student's education records, and nothing in the FERPA statute or regulations permits educational agencies and institutions to charge parents or eligible students for fees or costs associated with exercising that right.

If a school elects to provide a parent or eligible student with a copy of the education records, then the FERPA regulations (34 CFR § 99.11(a)) generally permit (with the exception noted below) the school to charge for the costs required to make the copy. FERPA regulations (34 CFR § 99.11(b)) also provide that the school may not charge a parent or eligible student for the costs to search for or retrieve the education records. We view the costs, if any, to the school of redacting, or segregating, education records of multiple students as being like the costs of search and retrieval that may not be charged to parents or eligible students, rather than like the costs for copies that generally may be charged to parents and eligible students.

As noted above, if an educational agency or institution can reasonably redact or segregate out portions of an education record that is directly related to other students, without destroying the meaning of the record, then the educational agency or institution must do so and therefore cannot charge parents or eligible students for the costs associated with exercising their right to inspect and review such education records.

In contrast, parents and eligible students generally may be charged for the costs of making copies of education records precisely because FERPA generally does not require the school to provide them with such copies. Thus, where the redaction or segregation of education records of multiple students can be reasonably

accomplished without destroying the meaning of the education records, nothing in FERPA permits educational agencies or institutions to charge parents or eligible students for the costs of making the required redactions or segregation. Please note that the FERPA regulations (34 CFR § 99.11(a)) similarly provide that if a fee for copies effectively prevents a parent or an eligible student from exercising the right to inspect and review his or her education records, an educational agency or institution would be required to provide copies without payment. Such cases would be limited to a parent or an eligible student providing evidence of the inability to pay for the copies due to financial hardship.

6. Does FERPA permit legal representatives of parents or eligible students to inspect and review videos with the parent or eligible student?

Yes. FERPA permits legal representatives of a parent or an eligible student to inspect and review videos with the parent or eligible student. While FERPA does not require educational agencies and institutions to allow parents or eligible students to bring their attorney or other legal representative with them when they exercise their right to inspect and review the student's education records, nothing in FERPA prevents educational agencies and institutions from allowing parents or eligible students to bring their attorney or other legal representative with them when they exercise their right to inspect and review the student's education records under FERPA.

7. Does FERPA permit educational agencies and institutions turn over videos to the police upon request or following an incident that may warrant police involvement?

If the law enforcement unit of an educational agency or institution creates and maintains videos for a law enforcement purpose, then the videos would not be education records and FERPA would not prohibit the law enforcement unit of an educational agency or institution from disclosing the videos to the police. If the videos are education records, however, educational agencies and institutions may not turn over videos to the police upon request without having first either obtained the written consent of the parent or eligible student or determined that the conditions of an exception to the general requirement of consent have been met, such as if the disclosure is made in connection with a health or safety emergency (20 U.S.C. 1232g(b)(1)(I) and 34 CFR §§ 99.31(a)(10) and 99.36) or the law enforcement officer has presented the educational agency or institution with a judicial order or a lawfully issued subpoena (20 U.S.C. 1232g(b)(1)(J) and (b)(2) and 34 CFR § 99.31(a)(9)).

[1] The Individuals with Disabilities Education Act (IDEA) also contains privacy protections that apply to children with disabilities. 20 U.S.C. 1417(c) and 34 CFR §§ 300.610-300.626 and 34 CFR §§ 303.401-303.416. Under the IDEA, participating agencies must protect the personally identifiable information (PII), data, or records that are collected, maintained, or used by the participating agency. While the definition of "education record" under Part B of the IDEA cross-references the FERPA definition in 34 CFR § 99.3, the application of IDEA requirements may raise different questions.

[2] If circumstances effectively prevent the parent or eligible student from otherwise exercising their right to inspect and review the student's education records (e.g., if the parent lives outside of commuting

distance to the school), then the educational agency or institution would be required to either provide a copy of the records or to make other arrangements for the parent or eligible student to inspect and review the records. 34 CFR § 99.10(d)

[TEMPLATE]

WRITTEN NOTICE TO PARENT/GUARDIAN OF SUBPOENA

Date

RE: Subpoena for Records of _____

Dear _____:

The school has been served with a subpoena, a copy of which is enclosed. It requests educational records of your child, _____, as set forth in the subpoena.

The school must comply with this subpoena on or before _____. The purpose of this letter is to notify you of this subpoena and of the school's intention to comply with it by producing the requested documents under federal law. This notice is provided so that you may seek protective action, such as quashing the subpoena, if you so desire.

If I do not receive a copy of a Motion to Quash by you that you have filed with the Court seeking such protective action before 4:00 p.m. on _____, I will produce the documents as requested.

Should you have any questions about the subpoena, contact the attorney issuing the subpoena. The attorney's name and phone number can be found on the enclosed subpoena.

Very truly yours,

Principal

Enclosure: Subpoena

TESTIFYING IN CUSTODY/DIVORCE/RELATED FIGHTS BETWEEN PARENTS IN LOUDOUN COUNTY JUVENILE AND DOMESTIC RELATIONS COURT

I WAS SUBPOENAED – NOW WHAT?

You may have been subpoenaed to a trial, other court hearing or to a deposition in which you will be expected to testify under oath in a matter involving a custody fight between parents, a divorce trial, or other related legal squabbles between parents of children at your school. The Loudoun County Public Schools ordinarily has little interest in the private disputes between parents, but is concerned that you not experience unnecessary time away from work and that you not violate state and federal student privacy laws. If, for any reason, you believe LCPS has an interest in a case, such as it involves a request to reveal the identity of a mandated child abuse/reporter, you must notify the principal immediately.

First, a few definitions:

DEPOSITION. A deposition is an opportunity for counsel to ask questions of someone who is expected to be a witness or who knows (or may know) something about the facts of a case. It is typically taken in the lawyer's office in the presence of a court reporter who takes down the questions and answers on a typewriter-like device verbatim prior to the trial. The witness (we lawyers call them the "deponent") is placed under oath and their answers may be used at a trial if they are inconsistent with the testimony at trial. A deposition is part of what is known as the "discovery" process whereby each side in a lawsuit gets an opportunity to find out what the other side knows.

No judge will be present and the deposition will be taken in an office. There is little difference between testimony at a deposition and testimony in the courtroom, except there is no judge presiding and ruling over the matters as they arise. The judge may do so later.

You should not be apprehensive about your deposition. If you thoughtfully consider and follow the suggestions below, you will be a good witness.

TRIAL/COURT HEARING. These proceedings occur in courtroom of the courthouse listed on the subpoena you received. State and federal law permit you to testify as to the contents of "educational" or "scholastic" records of a student without violating student privacy laws. This exception applies after having been sworn under oath and while seated in the witness chair. It does not apply in the courthouse hallways before or after the trial or to phone calls from attorneys in advance of the hearing. The judge is present at the hearing to preside over the taking of your testimony and to resolve any disputes between the attorneys.

OFFICE OF SCHOOL ADMINISTRATION. This LCPS office is your designated point of contact for questions related to subpoenas, student record requests and testifying under oath. Division Counsel will assist the Office of School Administration as needed to respond to any of your concerns.

SUBPOENA TYPES. There are two types of subpoenas 1) subpoena duces tecum [DOZEZ, TEA COM] and 2) subpoena for witness. The first type request to production of certain stated records. The second type requires you to attend a trial, hearing, or deposition and testify under oath. If the case involves custody or visitation, then the subpoena is supposed to be served on you by a

Loudoun County Deputy Sheriff if it is served at the school and it is supposed to be served 5 or more days before the trial or hearing. **DO NOT FAIL TO OBEY THE SUBPOENA EVEN IF THESE REQUIREMENTS WERE NOT MET.** All subpoenas must be obeyed unless the issuing attorney or the court has told you otherwise in writing.

So, here are some suggestions:

Attitude.

Careful preparation and a very attentive attitude are essential. While you should always be courteous and professional with counsel, always remember that their goal is to win the lawsuit for their client. They are not our “friend” so please think carefully before agreeing with them when they ask you a question. Pay close attention to the questions and answer each one carefully. On the other hand, there is no need to be apprehensive or anxious. You will not be mistreated or “badgered.” You will be an effective witness if you simply tell the truth and follow the suggestions contained in this memo. You are not there to take sides, but to respond truthfully to the questions asked of you.

Counsel are often trying to do three things 1) to elicit useful admissions from you which help his or her case, 2) at a deposition, they often want to commit you under oath to your version of the facts so that they know what your trial testimony will be and so that you cannot vary your story when it comes for trial, and 3) to learn the facts, some of which they know and some of which they hope to discover through your testimony.

Tips To Consider:

1. Documents. If counsel hands you a document, don’t scan it and don’t “glance” at it. Take the time to read the document and make sure you understand it before you answer any questions about it. Read it all.
2. Patience. Don’t be in a hurry. Take your time before answering. Reflect upon what happened and think about what you want to say and how you want to say it. Consciously take a breath after each question to give yourself time to think and relax and to prevent the attorney from peppering you with machine gun style questions. You can take control of your own testimony in this way. Answer when you are ready to answer.
3. Guessing. Never guess or speculate. You are there only to disclose your personal knowledge. If you can’t recall, say you can’t recall. This is okay. Do not guess if your memory fails you. You may guess wrong.
4. Objections. If counsel makes an objection to a question, refrain from answering until the matter is resolved with opposing counsel or the judge. Listen to what is being said during an objection. If one counsel objects on the grounds that the question requires the witness to speculate, then think about whether you are able to answer the question based upon your personal knowledge (i.e., without the need for guessing or speculating). If you would have to guess or speculate, say so. Other than listening to the objections (or requests for clarification), do not become involved in any discussions between the lawyers. Stay calm, think about your

answer if there is a question pending, and if arguments develop between the lawyers, don't get involved. Maintain a pleasant, professional demeanor but keep on guard and do not be lulled into being too casual.

5. You must give the facts if you have them. Remember, you have no purpose to serve other than to give the facts as you know them. Therefore, between now and your deposition or trial, concentrate and reflect on the facts in the case. If you were not served with a subpoena duces tecum, there is no reason to take any records with you. You may refresh your memory in advance of the trial date by reviewing the records at the school, if necessary.
6. Never state facts you don't know. Quite frequently you will be asked a question by the attorney and in spite of the fact that you feel you should know the answer, you do not. Therefore, you will be tempted to guess or estimate what the answer should be. This is a mistake. If you do not know the answer, even though you would appear ignorant or evasive by stating you don't know it, you should nevertheless do so, because a guess or an estimate for an answer can show that you either don't know what you are talking about, or simply that you are deliberately misstating the truth. Generally speaking, the attorney is in a position to know what the answer should have been and it may be the reason he asked you the question. He may well have asked the question because he knew you wouldn't know the answer, but felt you would be compelled to guess.
7. Never assume facts you do not know. Often one side will ask you to discuss a fact not in evidence in the deposition or trial. If you do not know the proffered facts are true, tell them you don't know that to be true. If the facts are basically correct, but nevertheless not completely accurate, make the correction. For example:

Q. "Do you think the defendant was justified in beating his wife?"

A. "I did not know the defendant beat his wife."

8. Never attempt to explain or justify your answer. You are there to give facts as you know them. You are not supposed to apologize or attempt to justify those facts. Any attempt to do so would make it appear as if you doubt the truth of your own testimony. Nor are you there to convince anyone that your version is correct. The facts speak for themselves.
9. You are only to give the information known to you. You know what you have seen, heard, observed or felt. Do not guess. If you don't know certain information, do not give it. Don't turn to the attorneys and ask for the information, or to another witness or the parents, if they should be present, and ask for information. Do not promise to get information you don't have readily at hand. If you know an answer to a question at the time it is being asked, then answer it. But do not agree to look up anything in the future and supplement the answer you are then giving, unless directed to do so by the judge. In a slightly different vein, do not be concerned if the attorney asks you questions about the legal papers in the case. If you know the answers, give them. But if you don't understand the legal jargon or why certain papers were filed, say so.

10. Do not let the attorneys get you angry or excited. This destroys the effect of your testimony and you may say things which can be used to your disadvantage later. It is sometimes the intent of attorneys to get a witness excited during his testimony, hoping that he or she will say things which may be used against him. Under no circumstances should you argue with the attorney. Give him only the information which you have. That's all he is entitled to.
11. Always tell the truth. This is the most important rule. A lawyer may explain away the truth but there is no explaining why a witness lied or concealed the truth. Deliberate concealment of the truth, even with regard to a small issue in the case, will be very damaging to your credibility at the trial. Do not try to figure out before you answer whether a truthful answer will help or hinder one side or the other in a case. Answer truthfully.
12. Never exaggerate. Do not try to improve upon the facts by stretching them. Such efforts are easily exploited by the other side.
13. Do not qualify favorable facts. Be as definite as possible. Avoid expressions such as "I think" or "I guess" since they invariably weaken your answer. Nevertheless, remember that no one can take your opinions away from you, and that your opinion is your safest form of expression in a deposition.
14. Never joke in a deposition or trial. The judge or attorneys may express humor at times, but you should never join in.
15. Do not volunteer any facts not requested by a question. Listen to the question and answer only what you are asked. Fight the temptation to answer the question the attorney really should have asked. If the attorney asks the "wrong" question, do not help him by suggesting the "right" question or the "right" answer.

Do not be tricked by the method of questioning. The attorney may try to trip you up by using certain tricks in questioning. Paying careful attention will assist you.

The four most common "techniques" used by lawyers to confuse or trip up a witness are:

- (a) skipping around from one subject to another in no logical sequence;
- (b) repeating the same question at different times in the deposition or trial in order to get a different answer;
- (c) remaining silent for a long time after you have answered [thunderous silence], hoping you will amend or add to your answer; and
- (d) asking a question in a way which leads you to believe that the true answer will hurt you. For example: Q: "Have you talked to anyone else about this case?" You should answer promptly, "Of course, I have talked to my principal and _____ (whomever else you've discussed the case with)."

16. Be brief. Give a complete but concise response. If possible, answer with a simple “yes” or “no.” Do not give long-winded answers and do not ramble. Answer the precise question asked.
17. Indicate if the question is ambiguous or if you do not understand. If the question is not entirely clear, tell the lawyer you do not understand it. Any time you answer a question, it is presumed that you understood it.
18. After the deposition or trial is over, do not chat with the parents or their attorneys. Remember, you are still in a courtroom. Do not let their friendly manner cause you to drop your guard and become chatty.
19. Consider re-reading this memo on the day you are to be deposed or go to trial.

AUTHENTICATION OF A MINOR'S SCHOOL RECORDS

AFFIDAVIT UNDER CODE OF VIRGINIA SECTION 8.01-390.1

PUPIL: _____ SCHOOL: _____

COUNTY OF LOUDOUN)

)

COMMONWEALTH OF VIRGINIA)

COMES NOW, _____, THE CUSTODIAN OF THE ATTACHED SCHOOL RECORDS OR THE PERSON TO WHOM THE CUSTODIAN REPORTS, AND I HEREBY STATE THAT THE SAID ATTACHED SCHOOL RECORDS ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL SCHOOL RECORDS OF _____, PUPIL, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CERTAIN INFORMATION IS REQUIRED BY LAW TO BE REDACTED BY THE COURT PRIOR TO THE ADMISSION OF THESE RECORDS INTO EVIDENCE IN ACCORDANCE WITH CODE OF VIRGINIA SECTION 8.01-390.1.

FURTHER RE-DISCLOSURE OF THESE RECORDS IS NOT AUTHORIZED EXCEPT AS MAY BE PROVIDED BY LAW.

FURTHER THE AFFIANT SAYETH NAUGHT.

AFFIANT

Comes now before me, a notary public, in and for the Commonwealth of Virginia, the said _____, who, after being duly sworn, deposes and states the foregoing and acknowledges his or her signature hereto this _____ day of _____, 20____.

My Commission expires: _____ NOTARY PUBLIC

Notary Registration #: _____

SAFETY AND SECURITY CALENDAR OF "DUE OUTS"

2018 - 2019 School Year

July 2018**January 2019**

- | | |
|---|--------------|
| • Portable Radio Inventory | • Fire Drill |
| • ALERT Radio Test (Jan8@10am) | |
| • Lockdown Drill (At start of 2nd semester. Must be done in January) | |

August 2018

-
- School Safety Surveys (8-6 to 9-28)
 - ERPs updated
 - Emergency Contact List
 - Review Visitor Management
 - AIPHONE Protocol with staff
(Video on P-drive)

February 2019

-
- Fire Drill
 - ALERT Radio Test (Feb5 @10am)
 - Middle Schools-Climate Surveys-(2-1 to 3-30)
 - Lockdown Drill (may be done anytime 2nd semester)

September 2018

-
- Fire Drill (1 the first 10 days of school)
 - Fire Drill (1 the 2nd 10 days of school)
 - Lockdown Drill (2 must be done in 1st 20 days)
 - Review "See Something, Say Something" to staff and students
 - ALERT Radio test (Sept4 @10 am)

March 2019

-
- Fire Drill
 - ALERT Radio Test (Mar 5 @10 am)
 - Tornado Drill
 - Check on Permits Needed for Events-prom/end of year

October 2018

-
- Fire Drill
 - ALERT Radio test (Oct 2 @10am)
 - Earthquake Drill

April 2019

-
- ALERT Radio Test (Apr 2@10am)

November 2018

-
- Fire Drill
 - ALERT Radio Test (Nov6@10am)

May 2019

-
- ALERT Radio Test (May 7@10am)

December 2018

-
- Fire Drill
 - ALERT Radio Test (Dec 4@10am)

June 2019

-
- ALERT Radio Test (Jun 4@10am)

- Collect radios for inventory

Reminder: Use SandSworkorders@lcps.org to report camera, card access, Aiphone and alarm issues, and to request security video downloads.

Safety Audit Schedule to Follow



Earthquake Drill Report

LOUDOUN COUNTY PUBLIC SCHOOLS

SCHOOL:

DATE DRILL WAS CONDUCTED:

An earthquake drill was conducted at this school on the above date.

COMMENTS:

Signature of Principal

Please return this form via email to Pam Rosenberry – Safety & Security
pammy.rosenberry@lcps.org

revised 10/2015



Loudoun County Public Schools
The Division of Safety and Security

Fire Drill Form

Adapted from Virginia Department of Education and State
 Fire Marshal's "School Exit Drill Form"

Regulation 7352.3

School:		Drill Date*:	
Phone:		Time of drill:	
School Enrollment:		Location of pull station:	
Alarms Yes No Audible horn operational Horn audible throughout Visual strobes operational N/A [†]		Corridors Yes No Unobstructed Well lighted Automatic fire doors closed N/A [†]	Exits Yes No Unobstructed Signs Lighted Doors funct. [†] Hardware funct.
Exit Drill Yes No Did students follow the "Evacuation Plan" route for exit? Did students exit the school and proceed to a safe area? Did students perform the exit drill properly? Was a building search made prior to recall of students? Were doors to all rooms closed? Was attendance taken before re-entering the building? Number of occupants evacuated Time required to exit school Weather conditions: <hr/>			

Note: Any block checked "No" should be followed by some form of action by the school. Describe the reason for the "No" in the Comments section below.

Comments:

Name person responsible Date

Signature of Principal

Date

for exit drill information

*Section 22.1-137 - Fire Drills held once a week during the first 20 days of each school session, and more often if necessary, and then once a month for the rest of the school session.

Please return this form via email to Pam Rosenberry - Safety and Security

pammy.rosenberry@lcps.org

revised May 2018



Lockdown Drill Report

LOUDOUN COUNTY PUBLIC SCHOOLS

SCHOOL:

DATE DRILL WAS CONDUCTED:

A lockdown drill was conducted at this school on the above date.

COMMENTS:

Signature of Principal

Please return this form via email to Pam Rosenberry – Safety & Security
pammy.rosenberry@lcps.org



Tornado Drill Report

LOUDOUN COUNTY PUBLIC SCHOOLS

SCHOOL:

DATE DRILL WAS CONDUCTED:

A tornado drill was conducted at this school on the above date.

COMMENTS:

Signature of Principal

Please return this form via email to Pam Rosenberry – Safety & Security

pammy.rosenberry@lcps.org

revised: May 2018



DRILLS

All Drill Forms and Drill Procedures can be found on the Intranet under Support Serv/Safety and Security: <http://www.intranet.lcps>

If you are using the carbon copy fire drill forms, please do not reorder these forms. They are no longer needed. Facilities does not need a copy of your Fire Drill.

We have updated the Drill Forms for the 2018-2019 School Year.
We hope that you will take advantage of these computerized forms.

Filling out the new drill form

1. Open file and type in drill information
2. Save
3. Email to your Principal for signature

For Principal – Inserting a signature

1. Open file
2. Click on “fill & sign”
3. At top of page, Click on



Add signature
Type name
Apply

4. Save

A copy of all your Drills should be kept in a binder at the front office.

The Loudoun County Fire Marshal, during safety audit visits, may request to look over your drill forms. Please have this binder available.

Please submit all drills to pammy.rosenberry@lcps.org

This is the preferred way of submitting your drills.