

Williamsburg James City County Public Schools



STUDENT DISCIPLINE GUIDE

For School Year 2008-2009

Office of Student Services
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Superintendent



Dear Parents/Guardians and Students:

The Student Discipline Rules serve as the basis of the entire disciplinary system of the Williamsburg-James City County Public Schools. They outline established expectations for each student and delineate a set of procedures that result in the fair, equitable, and caring administration of student discipline. The foundation for this document is the WJC School Division's dedication to safe schools where a tone of respect for others prevails.

The School Division has both the responsibility and the authority to maintain learning environments in which students, staff, and visitors are safe and secure. It is in disciplined and orderly classrooms that students learn best, and when schools are free of violence, drugs, and alcohol, students can feel more confident in their educational studies. In pursuing this sense of orderliness, the school administration uses appropriate consequences with discretion and consistency in regard to the grade level of the offending student and the specific circumstances of the offense.

Staff members use interventions to address the causes of misbehavior. Interventions help students to understand that decisions result in consequences which either can be beneficial or adverse to their goals. The most effective intervention is teaching students appropriate socialization skills which will enable them to be successful in school. The responsibility for this is shared by the school and the parent/guardian. In accordance with Section 22.1-279.3 of the Code of Virginia, "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." The careful determination of positive interventions and meaningful consequences enhances the educational opportunity for all.

Please take time to review the information contained in this document. Your understanding of the Student Discipline Rules and Related School Board Policies will greatly increase the probability of success for all students in the WJCC Schools.

Sincerely,

Williamsburg-James City County School Board



Student Discipline Rules and Related School Board Policies

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Areas of Offenses and Their Definitions

- The offenses below are the most common infractions of school and bus rules. Students may be disciplined for conduct which is not described below, but which interferes with the educational process or threatens the safety or welfare of the staff or students. School officials are authorized to utilize any and all disciplinary actions permitted by Virginia Law.
- Unless specifically indicated otherwise, the list of violations shall apply to all students, on all school property, and at all school activities and functions, including but not limited to, field trips and athletic events, before and after school programs and summer school sessions. The rules apply to students coming to school and going home, including but not limited to, school bus stops, and the bus.
- Additionally, many of these school offenses may be considered violations of the law. Students and parents should be aware that students who commit offenses that are violations of the law are subject to being charged criminally separate from the recommended school disciplinary action.
- Students and parents should also understand that violation of school rules may affect eligibility for participation or membership in opportunities such as athletics, extracurricular activities, clubs, and honor societies/awards.
- Students and parents may be held financially responsible for costs incurred as a result of violations of school and bus rules as allowed by Virginia Law.
- Any violation of school rules may result in a disciplinary hearing; however, Codes 24-41 are more severe in nature and will result in suspension and an automatic referral for a disciplinary hearing. In addition, students may be referred to a disciplinary hearing at the accumulation of the 5th referral/suspension, regardless of offense, but shall be referred by the 10th referral/suspension.

The following offenses are violations of School Board policy:

1. **General School/Classroom Disruption.** Physical or verbal actions which distract students and staff or which otherwise interferes with or disrupts the teaching/learning process.
2. **Disrespect/Defiance of School Staff's Authority.** A verbal or non-verbal refusal to comply with a reasonable request from school personnel. Disobedience includes, but is not limited to, refusal to work in class or refusal to report to an assigned location. This shall include being in an area without authorization.
3. **Unexcused Absence/Tardiness/Cutting Class.** Absence from school or class without authorization or approval from school personnel.

4. **Dress Code.** Student dress and appearance is to be neat, clean, and conducive to the educational process. Clothing that may be disruptive to the normal educational process of the school or promotes a violation of school rules may not be worn.
5. **Bus Misconduct.** Actions in violation of standard bus safety rules, or which may divert the driver's attention and jeopardize the safety of riders.
6. **Inappropriate Conduct/Language.** Printed or recorded materials, spoken language, horseplay, rough-housing, pushing, shoving, hitting, conduct or gestures that are abusive, obscene, vulgar, or profane, including inappropriate sexual conduct.
7. **Cheating or Plagiarism.** Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.
8. **Lying/Falsification.** The verbal or written statement of any untruth and/or misrepresentation of person, fact, official record, or other document.
9. **Gambling.** Participation in games of chance for money and/or things of value.
10. **Inflammatory Actions/Harassment/Gang Activity.** Actions, comments, hazing, written messages, or taunting intended to cause the student or others to fight or be intimidated; to throw objects at someone, or to create a public disturbance, violence, disorder, or tumult on school property. **Students shall not participate in gang activities as defined in Policy JFCE, incorporated by reference.**
11. **Trespassing.** Coming on school property or attending a school activity without proper authority, including, but not limited to, the period of a student's out-of-school suspension or expulsion.
12. **Smoking/Tobacco Possession.** The use or possession of any tobacco products or related paraphernalia such as matches, lighters, etc. is prohibited.
13. **Fighting.** Intentionally striking a student with the purpose of causing harm or injury; this action may extend to mutual physical contact by pushing, wrestling, hitting or other aggressive actions, which could result in harm or injury to either party, to by-standers or school property.
14. **Reckless Driving/Driving Violations/Permit Violations.** Driving any vehicle on school property or while under jurisdiction of school authority with disregard for the safety of persons or property. Violating parking permit policies and rules.
15. **Stealing.** The act of taking, possessing, or transferring the property of another without the consent of the owner.
16. **Vandalism.** The willful or malicious destruction or defacing of school property or the property of others. Student/parents will be held financially responsible as allowed by Virginia Law.
17. **Extortion.** To obtain or attempt to obtain money, goods, a promise to act, or information from another by force or intimidation.

18. **Evidence Rendered Inaccessible or Destroyed.** Rendering inaccessible or destroying or refusing to surrender any material, item, weapon, or object in one's possession which a school employee has requested the student to surrender.
19. **Burglary.** Breaking into a school room, building, or school property, such as a bus, for the purpose of stealing.
20. **Reports of Conviction or Adjudication of Delinquency Pursuant to 16.1-305.1.** Students convicted or adjudicated delinquent of an offense listed in the Code of Virginia, 1950 as amended, 16.1-305.1, may be suspended or expelled.
21. **Portable Communication or Electronic Devices.** Use and/or possession of any device or object including but not limited to portable communication devices that disrupts the educational setting.

Elementary: Elementary students are not permitted to bring or use electronic devices such as beepers, radios, tape recorders, laser lights, electronic games, MP3 players or other similar devices. Cellular phones must be turned off and stowed away unless there is a need for its use that has been approved by school personnel.

Middle and High School: All portable communication and electronic devices must be turned off and stowed away during school hours. The devices may only be used outside of the school building or facility before and after regular school hours. Students who attend after school extracurricular activities as spectators or participants may have a cellular telephone in their possession.

22. **False Fire Alarm/Misuse of 911.** Intentional false reporting or activation of emergency alarms, misuse of 911 emergency systems, or false activation of AED equipment. Student/parents will be held financially responsible as allowed by Virginia Law.
23. **Misuse/Abuse of Technology, Including Computers and Networked Computer Systems.** Unauthorized access to or inappropriate use of information on technology resources contrary to the educational mission of the school or school division. Such misuse/abuse may also relate to other areas of offense, such as Bullying, Harassment, or Threats of Harm or Violence.

NOTE: Offenses 24-41 are more severe in nature and will result in suspension (1-10 days for Grade K-5 and a mandatory 10 days for Grades 6-12) with an automatic referral for a disciplinary hearing. A disciplinary hearing may result in additional consequences as well as long-term suspension or expulsion.

24. **Threats of Harm or Violence.** To use direct or indirect threats (whether verbal, written, electronic or behavioral) which imply or create fear of bodily harm or violence to another student or adult.
25. **Bullying.** Intentional repeated oppression, physical or psychological, which over time inflicts or threatens to inflict physical or emotional injury or discomfort upon another person's body, feelings or possessions. Bullying may be overt or covert.
26. **Sexual Harassment.** Sexual Harassment may include, but is not limited to, written and/or verbal harassment or abuse, indecent propositions, subtle pressure for sexual favors, unwelcome

touching or sexual advances, indecent exposure, or inappropriate physical contact of a sexual nature which conduct substantially interferes with a student's performance or creates an intimidating hostile or offensive school/work environment.

27. **Arson.** Any willful or malicious burning of school property or the property of others.
28. **Assault & Battery.** The beating or use of physical force with the intent to commit bodily harm against any other student, staff member, or any other person. This action may extend to hitting or other aggressive actions, which could result in the harm or injury to a by-stander.
29. **Weapons/Dangerous Objects.** Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any weapon, dangerous object, look alike, or any object that can be reasonably considered a weapon, or a substance that could cause harm or irritation to another person. Weapons include, but are not limited to, handguns, pistols, shotguns, or any device designed or intended to propel an object of any kind by any means (zip guns, starter guns), any pneumatic gun or rifle (BB guns, paint ball guns, pellet guns, etc), taser guns or stun guns, any weapon that is designed to or may readily be converted to explode to include live ammunition, knives or any sharp-edged instrument that is classified as a knife, any weapon that is designed to explode with the use of a triggering device and is used as a destructive bomb, or any instrument, or object that is represented as a weapon or is utilized in such a manner as to create alarm or harm in another: said objects include but are not limited to, school supplies, toy weapons, laser pointers, etc. Dangerous Objects include, but are not limited to: any object that is utilized in such a manner as to create alarm or cause a disturbance may be considered a dangerous objects: pepper sprays, mace, fireworks, stink bombs, etc.
30. **Bomb Threats.** Conveying by any means, whether verbally or in writing, a plan, intent, or threat to detonate or ignite a destructive explosive device.
31. **Alcohol & Drugs.** The unlawful possession, use, or facilitating the use of, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other controlled substance as defined in the Drug Control Act of Chapter 34 of Title 54 of the Code of Virginia § 18.2-247 of the Code of Virginia and as defined in Schedules I through V of § 202(c) of the Controlled Substance Act at 21 U.S.C. §812(c), imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, or going to and from school, shall result in suspension and/or expulsion from school. "Drug paraphernalia" shall mean those items described in Section 18.2-265.1 of the Code of Virginia and "imitation controlled substance" shall mean a pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

Students are prohibited from possessing any medication or prescription drugs, even if recommended or prescribed for the student's use. "Medication" shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like.

A principal may grant an exception and allow a student to carry prescribed medication and to self-medicate if the following stipulations are met.

- a. The medication has been brought to the school clinic in its original container with the prescribed dosage and method of administration clearly indicated; and
- b. The school has a statement on file in the school clinic signed by the prescribing physician stating that the student needs to carry the prescribed medication and may self-medicate as needed; and
- c. The school has on file in the school clinic signed permission by the student's parent/guardian allowing the student to carry the prescribed medication and allowing the student to self-medicate as needed.

Student possession of over-the-counter drugs and prescribed medication may result in the same interventions and consequences as controlled substances.

For elementary students needing to take medication during school hours, the medication is to be brought to the school nurse by the parent/guardian in its original container with the prescribed dosage and method of administration clearly indicated. Secondary students (grades 6-12) may bring medication to school provided the medication is delivered to the school nurse at the beginning of the school day in its original container with the prescribed dosage and method of administration clearly indicated.

32. **Illegal Possession of Controlled Drugs & Substances with the Intent to Sell or Distribute.** Possession of a Schedule I, II, or III drug (See Drug Control Act, Section 54.1-3400 et. seq.) or marijuana a) in sufficient quantity to indicate intent to sell or distribute, or b) to represent by any means the intention to sell or convey to another party the drug. **(CATEGORY III)**
33. **Possession of a Handgun, Rifle/Shotgun, Projectile Weapon, Bomb, Or Other Firearm.** Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any handgun, rifle, or shotgun, projectile weapon (e.g., zip gun), bomb or other type of firearm on school property, while attending a school-sponsored activity or going to and from school. 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 brought a firearm onto school property or to a school-sponsored activity or going to or from school as prohibited by §18.2-308.1, or to have brought a firearm as defined in § 22.1.277.07, subsection D, or a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or to a school-sponsored activity or going to or from school. **(CATEGORY III)**
34. **Robbery.** Attempting to take or taking of personal property from another person by the threat or use of force or violence. **(CATEGORY II)**
35. **Assault with a Firearm or Other Weapon.*** The intentional causing of bodily harm to an individual with a weapon. **(CATEGORY II)**

36. **Malicious Wounding Without a Weapon.** Intentionally causing another person bodily injury by any means other than use of a weapon, with the intent to maim, disfigure, disable or kill. **(CATEGORY II)**
37. **Aggravated Sexual Battery.** Attempted sexual intercourse, or a violent or aggressive action of a sexual nature committed against another person by force, threat, or intimidation resulting in mental distress or bodily injury, including a person less than 15 years of age. **(CATEGORY II)**
38. **Kidnapping/Abduction.** Unlawfully holding or forcing the relocation of a person against his/her will under threat of physical or psychological harm (and as further defined in Section 18.2-47 of the Code of Virginia). **(CATEGORY II)**
39. **Sexual Assault.** Sexual penetration without consent; includes statutory rape and carnal knowledge of a minor. **(CATEGORY I)**
40. **Homicide With a Firearm or Other Weapon.** Death of a student, staff member, or other person resulting from causes other than natural, accidental, or suicide. **(CATEGORY I)**
41. **Use of a Bomb.** Detonation or ignition of a destructive explosive device. **(CATEGORY I)**

Bus Safety Rules

The Williamsburg-James City County Student Discipline Rules apply to all students coming to school, going home, on the bus, and at the bus stop. In addition to the Student Discipline Rules, the following rules are essential for the safe transportation of students:

1. Observe classroom conduct
2. Be courteous, use no profane language
3. Do not eat or drink on the school bus
4. Keep the bus clean
5. Co-operate with the driver
6. Do not smoke
7. Do not damage the bus or bus equipment
8. Stay in your seat, facing forward
9. Keep head, hands, arms and feet inside the bus
10. Do not fight, push or shove
11. Do not bring glass items, pets or animals on the bus
12. Do not bring flammable materials on the bus
13. The driver has authority to assign seats, please comply if directed by the driver
14. No loud talking or making unnecessary noise
15. Report inappropriate behavior to the bus driver and/or school staff

Camera Surveillance

Surveillance cameras have been mounted in some school buses and in various locations in some of the school buildings. The purpose of this surveillance is to assure the safety and welfare of the students. Misbehavior noted on the surveillance tapes may result in disciplinary action.

Consequences

Consequences for violating school rules may include, but are not limited to, the following:

- Verbal Correction
- Warning/Reprimand
- Removal from Class
- Time Out
- Lunch Detention
- Behavior Essay
- Parent Notification
- In-School Suspension
- After-School Suspension
- Disciplinary Probation
- Saturday School
- Behavior Contract
- Work Detail/Community Service
- Restitution/Restoration
- Denial of Extra Curricular/School activities or Privileges
- Loss of access to Technology Resources
- Confiscate any portable communication or electronic devices
- Send home with Parent or Guardian
- Denial of Bus Privileges
- Referral to Police/Court Services
- Referral for Disciplinary Hearing
- Referral to Alternative Educational Setting
- Out-of-School Suspension up to 10 days
- Recommendation for Long-Term Out-of-School Suspension
- Recommendation for Expulsion

Due Process Safeguards

Suspensions and Expulsion Defined

For the purposes of this policy, unless the context clearly indicates otherwise:

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

"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.

"Expulsion" means any disciplinary action imposed by the School Board or a committee thereof, as provided in School Board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

"Exclusion" means the School Board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty 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.

A. **Short-Term Suspensions**

The principal or assistant principal may suspend a student out of school for ten days or less using the following procedures:

1. Informal Hearing

Except in an emergency situation requiring the student's immediate removal, no student shall be suspended from school prior to having an informal hearing before the assistant principal or principal. **At such an informal hearing, the student shall be informed as to the violations against School Board Policy and given an opportunity to respond.**

If the student denies the charges, the assistant principal or principal shall give the student an explanation of the evidence supporting the offenses and an opportunity to explain his/her version of the facts. If appropriate, the assistant principal or principal may conduct a further investigation into the matter before taking action.

In emergency situations where a student's presence may pose a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, a student may be suspended from school immediately without the informal hearing set forth above. In such cases, the student shall be accorded the informal hearing as soon as practicable, but not later than 3 school days after the immediate suspension

2. Notice of Suspension

Once a decision to suspend is made, the assistant principal or principal shall observe the procedures listed below:

- (a) The assistant principal or principal will attempt to notify the parent/guardian as soon as possible by telephone, and shall notify the parent/guardian and student in writing, of the suspension and the reasons thereof. The written notice shall also state any conditions of the suspension, e.g., required parental conference, prohibition on coming onto school property, and the date that the student may return to school. Except in an emergency, a student is not to be dismissed during the school day without prior notice to the parent/guardian.
- (b) The assistant principal or principal shall also inform the parent/guardian in writing that the suspension decision may be subject to review or appeal as provided in Section 3, Appeal of Short-Term Suspension, below.
- (c) A copy of the written notice of a suspension requiring a hearing shall be transmitted by the assistant principal or principal to the director of student services within two school days and shall indicate any recommendation or referral for a disciplinary hearing.

3. Appeal of Short-Term Suspension

If a student is suspended by the assistant principal, the student and/or parent/guardian have the right of appeal in writing to the principal within 5 administrative days of the suspension. If the principal imposed the suspension or upholds the suspension, the principal's decision may be appealed in writing within 5 administrative days to the Superintendent or designee for a decision, which appeal shall be decided upon the record. The decision of the Superintendent or designee is final on short-term suspensions. The failure to appeal the suspension in writing within the prescribed time will constitute a waiver of the right to appeal the short-term suspension.

B. Long-Term Suspensions

1. Procedures Governing Long-Term Suspensions

If a student is recommended for long-term suspension, the following procedures shall be observed:

- (a) The principal shall notify the student's parent/guardian and the student in writing of the recommendation for long-term suspension and the reasons thereof.
- (b) A copy of the written notice of the recommendation for long-term suspension shall be transmitted to the superintendent's designee within two school days.
- (c) The Superintendent's designee will conduct a hearing within ten days of the recommendation, unless the student and his/her parent/guardian agree to an extension of the hearing.

- (d) The Superintendent's designee may uphold the recommendation or recommend various forms of other disciplinary action, including, but not limited to disciplinary probation, community service work assignments, placement in alternative education programs, or referral to other public agencies. Agencies, which provide services to the student, may submit reports of participation to appropriate school personnel. Violation of a disciplinary probation contract may be cause for long-term suspension.
- (e) The Parent/Guardian will be provided a copy of the Appeal Process at the conclusion of the hearing.
- (f) The superintendent's designee will notify the Parent/Guardian in writing of the outcome of the hearing and include any conditions of disciplinary actions.

2. Appeal of Long-Term Suspension

If the Superintendent's designee decides to long-term suspend the student, the principal, the student, and the student's parent/guardian shall be advised in writing of the decision and of the student's right to appeal the decision to the School Board, which appeal shall be decided upon the record. The appeal must be made in writing to the Superintendent within 5 administrative days from the date of the decision or the right to appeal to the School Board will be waived. Upon a timely appeal, the School Board will decide the appeal on the record within 30 days of the appeal.

C. Expulsion

1. Procedures Governing Expulsion

If a student is recommended for expulsion, the following procedures shall be observed:

- (a) The principal shall notify the student's parent/guardian and the student in writing of the recommendation for expulsion and the reasons thereof.
- (b) A copy of the written notice of the recommendation for expulsion shall be transmitted to the director of student services within two school days.
- (c) Once the director of student services receives notification of a recommendation for expulsion, the Superintendent or designee shall conduct a preliminary hearing to determine whether to recommend expulsion to the Board. If a recommendation of expulsion is determined, parents shall receive notification in writing and by certified mail as to the date, time and location for the School Board meeting in which their case will be reviewed.

If the Superintendent or designee decides to recommend a lesser disciplinary action for an offense which carries a mandatory recommendation of expulsion and the student and parent/guardian agree to such action, the student and parent/guardian shall indicate, in writing, their agreement to the imposition of such action without further hearing or appeal. In the event the School Board refuses to accept the recommendation of lesser action, the Superintendent shall notify the student and

parent/guardian of such refusal and of the right of the student and parent/guardian to a hearing before the School Board upon the original recommendation of expulsion. The Superintendent shall present recommendations of expulsion or of a lesser disciplinary action to the School Board for its consideration. The student shall remain suspended until the matter is decided by the School Board.

- (d) Recommendations of expulsion shall be heard by the full School Board or the committee thereof. A student will only be expelled upon vote of the School Board.
- (e) The procedure for the hearing before the School Board, or the committee thereof, shall be as follows:
 - (i) The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be closed unless otherwise specified by the School Board.
 - (ii) The School Board may ask for opening statements from the principal or his representative and the student or his parent or their representatives and, at the discretion of the School Board, may allow closing arguments.
 - (iii) The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first. After the principal concludes his evidence, the student shall present his evidence. Witnesses may be questioned by the School Board members and by the parties or their representatives. The School Board may, in its discretion, vary this procedure, but it shall afford full opportunity to both parties the right of cross examination; provided, that the School Board may take testimony of student witnesses outside the presence of the student, his parent and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
 - (iv) The parties shall produce such other evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
 - (v) Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made a part of the record.
 - (vi) The School Board may, by majority vote, uphold, reject or alter the recommendation.
 - (vii) The School Board shall transmit its decision to the student, his parent, the principal and the Superintendent.

- (viii) A student who has been expelled from school by the School Board may file for readmission with the Superintendent no less than 300 and no more than 320 days after the effective date of the expulsion. The School Board will consider and act upon such petition prior to the expiration of 365 days from the effective date of the expulsion. If the petition is denied, subsequent petitions for readmission may be filed a year later unless a different time period is set by the School Board when ruling on the initial petition for readmission.

Admission of Expelled, Long-Term Suspended or Withdrawn Students

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 in Williamsburg/James City County Public Schools, 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 written notice to the student and his parent that the student may be subject to exclusion, the reasons therefore, and of an opportunity for the student or his parent to participate in a hearing before the Superintendent or designee regarding such exclusion. The decision of the Superintendent or designee shall be final unless altered by the School Board upon written appeal filed with the Superintendent within five administrative days after the Superintendent's decision. Failure to file a written appeal within the prescribed time will constitute a waiver of the right to appeal the decision to the School Board. In the event of a timely appeal, the School Board will decide the appeal upon the record within thirty days of the appeal.

Disciplinary Authority of the School Board under Certain Circumstances

The Williamsburg/James City County School Board may, in accordance with the procedures set forth in this policy, require any student who has been (a) 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; (b) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the superintendent of the school division pursuant to Va. Code § 16.1-260.G; (c) found to have committed a serious offense or repeated offenses in violation of School Board policies; (d) suspended or expelled pursuant to School Board policies, to attend an alternative education program. The Williamsburg/James City County School Board may require such student to attend an alternative education program regardless of where the crime occurred. The Williamsburg/James City County School Board may also require any student who has been found, in accordance with the procedures set forth in this policy, 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 terms "charged" means that a petition or warrant has been filed or is pending against a pupil, and "alternative education program" shall include, but shall not be 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.

Assignment of a Student to an Alternative Education Program

The division superintendent or his designee may require a student to attend an alternative education program consistent with the provisions of section E (above), after (a) 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 the alternative education placement, and (b) written notice to the student and his parent that the student will be required to attend an alternative education program. The decision of the superintendent or his designee regarding such an alternative education placement shall be final unless altered by the School Board upon a timely appeal. The appeal must be made in writing to the Superintendent within 5 administrative days from the date of the Superintendent's (or designee's) decision or the right to appeal to the School Board will be waived. Upon a timely appeal, the School Board will decide the appeal on the record within 30 days of the appeal.

Applicable procedures for students with disabilities will be followed. See pages (20-27)

Discipline of Students with Disabilities Identified under the *Individuals with Disabilities Education Improvement Act (IDEA, 2004)*

A. General

A student with a disability shall be entitled to the same due process rights that all students are entitled to under the Code of Virginia and Williamsburg-James City County Public Schools' disciplinary policies and procedures.

B. Short-term removals

1. A student with a disability may be removed from the student's current educational setting up to 10 cumulative school days in a school year for any violation of school rules to the extent removal would be applied to a student without a disability.
2. A student with a disability may be removed from the student's current educational setting for a period of time that cumulatively exceeds 10 school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. If the removals do constitute a pattern, the requirements of subsection c of this section apply.
 - a. Isolated, short-term suspensions for unrelated instances of misconduct may not be considered a pattern.
 - b. These removals do not constitute a change in placement.
 - c. The determination as to whether the discipline will constitute a pattern is made by a school administrator and the special education teacher.
 - d. A manifestation determination review, a functional behavioral assessment, and a behavior intervention plan are not required. An IEP meeting is not required unless there is a need to revise the IEP to address the student's behavioral or academic needs.
 - e. Consider unique circumstances and discipline on a case-by-case basis.

C. Long-term removals

1. For purposes of removals of a student with a disability from the student's current educational placement, a change in placement occurs if:
 - a. The removal is for more than 10 consecutive school days; or
 - b. A series of removals constitutes a pattern because the removals cumulate to more than 10 school days in a school year and because of such factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
 - c. The determination as to whether the discipline will constitute a pattern is made by a school administrator and the special education teacher.
2. Authority of school personnel
 - a. A student with a disability may be removed consistent with subdivision 1 of this subsection for any violation of school rules to the extent removal would be applied to students without disabilities.

- b. School personnel may remove a student with a disability to an appropriate interim alternative educational setting (IAES) for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days regardless of whether or not the behavior is a manifestation of the student's behavior, if:
 - i. The student carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of Williamsburg-James City County or the Virginia Department of Education; or
 - ii. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of Williamsburg-James City County or the Virginia Department of Education. For purposes of this part, the following definitions apply:
 - 1. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 USC § 812 (c).
 - 2. Illegal drug means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
 - 3. The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length (18 USC § 930(g)(2)). The term "dangerous weapon" includes the definition above as well as any definition in the Code of Virginia.
 - iii. The student inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of Williamsburg-James City County or the Virginia Department of Education. "Serious bodily injury" includes any bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental (18 USC § 1365(h)(3)).
- c. The interim alternative educational setting (IAES) must be determined by an IEP team. IAES must be selected so as to enable the student to:
 - i. Continue to participate in the general curriculum, although in another setting;
 - ii. Continue to receive those services and modifications including those described in the student's current IEP that will enable the student to meet the IEP goals; and
 - iii. Include services and modifications that address the behavior and are designed to prevent the behavior from recurring.

- d. Williamsburg-James City County Public Schools ensures that the following procedures are implemented either before or not later than 10 business days after either first removing the student for more than 10 school days in a school year or commencing a removal that constitutes a pattern or a change in placement, including placements in interim alternative educational settings (IAES) and where there is a manifestation:
 - i. The IEP team shall convene to develop a behavioral intervention plan (BIP) if Williamsburg-James City County Public Schools did not conduct a functional behavioral assessment (FBA) and implement a behavioral plan for the student before the behavior resulted in the removal
 - ii. The functional behavioral assessment (FBA) may be a review of existing data that can be completed at the IEP meeting. Parental consent is not necessary to review existing data.
 - iii. The IEP team shall reconvene as soon as practicable after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions to address the behavior.
 - iv. If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior.
 - v. If the student who has a behavioral intervention plan (BIP) and who has been removed from the student's current educational placement for more than 10 school days in a school year is subjected to a further removal that does not constitute a change in placement, the IEP team shall review the behavioral intervention plan (BIP) and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed in the student's behavioral intervention plan, the IEP team shall meet and modify the plan and its implementation as necessary.
- f. Williamsburg-James City County school personnel are permitted to consider unique circumstances on a case-by-case basis when deciding whether or not to remove a student with a disability long term from a current educational placement as a result of a violation of the Code of Conduct.

D. Services during periods of disciplinary removal

1. Williamsburg-James City County Public Schools is not required to provide services during the first 10 school days in a school year that a student with a disability is removed from the student's current educational setting if services are not provided to a student without a disability who has been similarly removed.
2. For a subsequent removal that is less than 10 school days in a school year but exceeds 10 cumulative school days of removal, and which does not constitute a change in placement, Williamsburg-James City County Public Schools will provide services to the extent

determined necessary to enable the student to appropriately participate in the general curriculum and appropriately advance toward achieving the goals of the student's IEP.

3. The procedures for determining services under this subsection for periods of removals are as follows:
 - a. For removals for more than 10 school days in a school year which do not constitute a change in placement, the building administrator, in consultation with the student's special education teacher, make the service determinations.
 - b. For removals that constitute a change in placement, the IEP team determines what services are needed.

E. Authority of the hearing officer

1. Williamsburg-James City County Public Schools 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 student with a disability for not more than 45 school days if Williamsburg-James City County Public Schools believes that the student's behavior is likely to result in injury to self or others. This procedure may be repeated as necessary.
2. The due process hearing officer may order a change in the placement to an appropriate interim alternative educational setting (IAES) for not more than 45 school days if Williamsburg-James City County Public Schools has demonstrated by substantial evidence (beyond a preponderance of the evidence) that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The hearing officer must:
 - i. Consider the appropriateness of the student's current placement;
 - ii. Consider whether Williamsburg-James City County Public Schools has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
 - iii. Determine that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of this subsection.
3. Williamsburg-James City County Public Schools may ask the hearing officer for an extension of 45 school days for the interim alternative educational setting (IAES) of a student with a disability when school personnel believe that the student's return to the regular placement would be dangerous to the student or others.

F. Manifestation Determination Review (MDR)

1. Manifestation determinations are required if Williamsburg-James City County Public Schools is contemplating to change the placement/initiates a long-term removal of a student with a disability due to a violation of the Williamsburg-James City County Code of Conduct that applies to all students, including removal to an interim alternative educational setting (IAES). Williamsburg-James City County Public Schools shall notify the parent or parents of that decision and provide the parent or parents with the procedural safeguards notice not later than the date on which the decision to take the action is made.
2. The IEP team and other qualified personnel shall convene within 10 school days after the date on which the decision to take the action (i.e., change of placement/long-term removal) is made. The other qualified personnel may include individuals who are knowledgeable

about how a student's disability can impact on behavior or on understanding or who are knowledgeable about the student and the student's disability. The IEP team and other qualified personnel shall review the relationship between the student's disability and the behavior subject to the disciplinary action.

1. Evaluation and diagnostic results, including relevant information supplied by the parents of the student;
 2. Teacher observations of the student; and
 3. The student's IEP.
 - ii. The IEP team and other qualified personnel shall determine whether or not the child's behavior was a manifestation of the child's disability. A behavior will be considered a manifestation of the student's disability if:
 1. The conduct was caused by or had a direct and substantial relationship to the child's disability; or
 2. The conduct was the direct result of Williamsburg-James City County Public Schools' failure to implement the student's IEP.
 3. If the IEP team and other qualified personnel determine that the standards of this subsection were met, the behavior must be considered a manifestation of the student's disability. If the behavior is a manifestation of the student's disability:
 - i. The student can be removed from the student's educational placement only through the IEP process or through placement in an interim alternative educational setting (IAES); and
 - ii. When there is a manifestation, the IEP team shall develop or modify strategies, including positive behavioral interventions and supports to address the behavior.
 4. The review by the IEP team and other qualified personnel to determine manifestation may be conducted at the same IEP meeting to develop or review the student's behavioral intervention plan, as long as Williamsburg-James City County Public Schools notified the parent or parents of the purposes of the meeting.
 5. If the IEP team and other qualified personnel determine deficiencies in the student's IEP or placement, Williamsburg-James City County Public Schools shall take immediate steps to remedy those deficiencies through the IEP process.
 6. If the IEP team and other qualified personnel determine that the behavior of the student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to a student without a disability may be applied to the student with a disability in the same manner in which the procedures would be applied to a student without a disability.
 7. If Williamsburg-James City County Public Schools initiates disciplinary procedures, providing due process rights that are applicable to all students, Williamsburg-James City

County Public Schools ensures that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

8. The IEP team determines the extent to which services are necessary to enable the student to appropriately participate in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

G. Parent appeal

1. If the student's parent or parents disagree 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 or parents may request an expedited due process hearing.
2. In accordance with the Virginia Department of Education's due process hearing procedures, an expedited hearing shall be scheduled in response to the parent's or parents' request. In reviewing the decision with respect to the manifestation determination, the hearing officer shall determine whether Williamsburg-James City County Public Schools has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of manifestation determination review. In reviewing the decision to place a student in an interim alternative educational setting (IAES), the hearing officer shall apply the standards in subdivision E.

H. Placement during appeals

1. During an expedited hearing in which a parent disagrees with the determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding the student's disciplinary placement, the student must remain in the disciplinary placement pending the decision of the hearing officer or the expiration of the disciplinary removal, whichever occurs first, unless the parent and Williamsburg-James City County agree otherwise.
2. If the student is placed in an interim alternative educational setting (IAES) and school personnel propose to change the student's placement after expiration of the IAES, during the pendency of the due process proceedings, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting) except as provided below.
 - i. If school personnel maintain that it is dangerous for the student to be in the current placement (the student's placement prior to the interim alternative educational setting) during the pendency of the due process proceedings, Williamsburg-James City County Public Schools may request an expedited due process hearing.
 - ii. A placement ordered by the hearing officer under the procedures for an expedited due process hearing may not be longer than 45 school days. If Williamsburg-James City County Public Schools believes that it is dangerous for the student to return to the current placement, Williamsburg-James City County Public Schools may request of the hearing officer to extend the placement for longer than 45 school days.

I. Protection for students not yet eligible for special education and related services

1. A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates any rule or code of conduct of

Williamsburg-James City County Public Schools, including behavior described in this subsection, may assert any of the protections provided in this chapter if Williamsburg-James City County Public Schools had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

2. Williamsburg-James City County Public Schools shall be deemed to have knowledge that a student is a student with a disability if:
 - i. The parent or parents of the student have expressed concern in writing (or orally if the parent or parents do not know how to write or have a disability that prevents a written statement) to school personnel that the student is in need of special education and related services;
 - ii. The parent or parents of the student have requested an evaluation of the student to be determined eligible for special education and related services; or
 - iii. A teacher of the student or school personnel have expressed concern about the behavior or performance of the student to the director of special education of Williamsburg-James City County Public Schools or to other personnel in accordance with Williamsburg-James City County Public Schools' child find or special education referral system.
3. Williamsburg-James City County Public Schools would not be deemed to have knowledge that a student is a student with a disability (i.e., "basis of knowledge") if Williamsburg-James City County Public Schools:
 - i. Conducted an evaluation and determined that the student was not a student with a disability;
 - ii. Determined that an evaluation was not necessary and provided notice to the student's parent or parents of its determination; or
 - iii. The parent has not allowed the student to be evaluated to determine eligibility for special education and related services; or
 - iv. The parent has refused to consent for the child's receipt of special education and related services.
4. If Williamsburg-James City County Public Schools does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures applied to a student without a disability who engages in comparable behaviors.
5. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 - i. Until the evaluation is completed, the student remains in the educational placement determined by the school personnel, which can include suspension or expulsion without educational services.
 - ii. If the student is determined to be a student with a disability, taking into consideration information from the evaluations conducted by Williamsburg-James City County Public Schools and information provided by the parent or parents, Williamsburg-James City County Public Schools shall provide special education and related services as required for a student with a disability who is disciplined.

J. Expedited due process hearing

1. Williamsburg-James City County Public Schools may request an expedited due process hearing if there is substantial evidence that maintaining the current placement for a student with a disability is substantially likely to result in injury to the students or others.
2. The parent or parents may request an expedited due process hearing if the parent or parents disagree with the manifestation determination or any decision regarding placement under this section.

K. Referral to and action by law enforcement and judicial authorities

1. Nothing in this chapter prohibits Williamsburg-James City County Public Schools from reporting a crime by a student 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 student with a disability to the extent such action applies to a student without a disability.
2. In reporting the crime, Williamsburg-James City County Public Schools will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom school personnel report the crime.

Discipline of Students with Disabilities Identified under Section 504 of the Rehabilitation Act of 1973

A. General

Section 504 is statute that governs and prohibits nondiscrimination of students on the basis of a disability. To prevent potential discrimination of those students protected through Section 504, it must be determined whether or not a student's misconduct was caused by the student's identified disability. This determination must take place prior to imposing significant discipline on the student.

B. Short-Term Suspension for Students with Disabilities identified under Section 504

Short-term suspensions (10 or fewer cumulative days) in a school year may be imposed in the same manner and to the same extent as for students without disabilities, provided those suspensions do not constitute a pattern of exclusion. The student with the disability is subject to normal disciplinary procedures whether or not the student's misconduct is a manifestation of the disability.

1. No manifestation determination review is required for short-term suspensions that do not constitute a pattern of exclusion.
2. For those suspensions that do constitute a pattern of exclusion, a manifestation determination review *is* required.
3. For short term suspensions, the building administrator and Section 504 coordinator will determine if suspension constitutes a pattern of exclusion.

C. Series of Short-Term Suspensions Regarded as Long-Term Suspension for Students with Disabilities identified under Section 504

A series of suspensions which aggregate to more than 10 days may be considered a pattern of exclusion requiring procedural protections (i.e., manifestation determination review). Factors to consider in determining whether aggregate suspensions of greater than 10 days are patterns of exclusion include:

1. Length of each suspension;
2. Proximity of suspensions;
3. Total amount of time suspended; and
4. Degree of similarity of the misconduct.

The determination as to whether a series of suspensions of 10 cumulative days or more is to be regarded as a long-term suspension will be made by a school administrator and the Section 504 building coordinator in consultation with the appropriate regular education teacher. In such instances, the procedures outlined in the section entitled, "Long Term Suspension and/or Recommendation for Expulsion for Students with Disabilities," are to be followed.

D. Long-Term Suspension and/or Recommendation for Expulsion for Students with Disabilities identified under Section 504

For suspension of students with disabilities in excess of 10 days and which constitute a pattern of exclusion, the following shall apply:

1. A manifestation determination review involving the appropriate Section 504 committee must be held within 10 school days of the date of suspension. The building administrator or Section 504 building coordinator must convene this meeting, with proper written notification to the parent/guardian as to the time, date, place, and persons to be present. *Exceptions* to this requirement are:
 - a. No manifestation determination review is required when a student is found to be in possession of illegal drugs and is currently engaging in the use of illegal drugs; or
 - b. No manifestation determination review is required when a student is found to be in possession of alcohol and is currently engaged in the use of alcohol.
 - i. Students who commit drug and alcohol offenses are subject to the same disciplinary measures as students without disabilities; and
 - ii. Students who commit drug and alcohol offenses do not have the right to appeal these offenses in a due process hearing.

2. If the conduct is determined to be a manifestation of the disability, the Section 504 Plan must be reviewed and adjusted as necessary. The student may not be disciplined except to the extent of a short-term suspension if not considered a pattern of exclusion or as agreed to by the Section 504 committee.

3. If no manifestation of the disability is found, the recommendation for long-term suspension and/or expulsion may proceed in the same manner and to the same extent as students without disabilities.
 - a. No educational services are required during a suspension or expulsion unless services are provided to students without disabilities.
 - b. Students with disabilities under Section 504 may appeal a suspension, expulsion or other disciplinary decision to the Williamsburg-James City County Public Schools Section 504 Compliance Officer following the appropriate procedures.

E. Manifestation Determination Review for Students with Disabilities identified under Section 504.

Except in the case of drug and alcohol offenses, manifestation determination review is required for those students with disabilities identified under Section 504 when suspensions constitute a pattern of exclusion. The manifestation determination must be made by a group of knowledgeable persons. The following criteria for manifestation determination review will apply:

1. The Section 504 team and other qualified personnel may determine the behavior was not a manifestation of the student's disability only if the team and other qualified personnel first consider, in terms of the behavior subject to the disciplinary action, all relevant information from the student's file, including:
 - a. Evaluation and diagnostic results, including relevant information supplied by the parents of the student;
 - b. Teacher observations of the student; and
 - c. The student's Section 504 Plan.

2. The Section 504 team and other qualified personnel shall determine whether or not the child's behavior was a manifestation of the child's disability. A behavior will be considered a manifestation of the student's disability if:
 - a. The conduct was caused by or had a direct and substantial relationship to the child's disability; or
 - b. The conduct was the direct result of Williamsburg-James City County Public Schools' failure to implement the student's Section 504 Plan.

F. Exception to Discipline and Hearing Requirements

Students who have been identified as disabled under Section 504 and who are recommended for discipline for the current use or possession of illegal drugs or alcohol may be disciplined by using only the procedures applicable to regular education students. The disciplinary action taken in these cases must be consistent with the disciplinary action applied to regular education students for these same offenses. The hearing procedures of Section 504 may not be utilized by the students in these situations.

Teacher Removal of Students from Class

Teachers have the initial authority to remove a student from a classroom for disruptive behavior. The removal of the student from a classroom shall not be used as a routine classroom management strategy. Disruptive behavior is defined as a violation of the School Board policies governing student conduct that interrupts or obstructs the learning environment. For a list of the areas of offenses and their definitions, see School Board Policy JGC.

The principal is responsible for ensuring that written notice of the student's behavior is given to the parent. The parent will be given the opportunity to meet with the teacher and school administrator to discuss the student's behavior and the possible consequences if such behavior does not cease. 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.

Any teacher whose evaluation indicates deficiencies in the management of student conduct may be required to attend professional development activities designed to improve classroom management and disciplinary skills.

Applications of this policy to students with disabilities shall be in accordance with state and federal law and regulations.

This policy shall not be construed to limit or restrict other School Board policies and regulations for maintaining order in the classroom.

Non Discrimination Student Grievance Procedure

The Williamsburg James City County School Division is committed to a policy of non discrimination based upon race, color, national origin, religion, sex, marital status, disability, and age in the administration of any of its educational programs, activities, or with respect to employment. Inquiries should be directed to Director of Student Services, Title IX/Section 504 Compliance Coordinator for Employment, at Williamsburg James City County Public Schools, P. O. Box 8783, Williamsburg, VA 23187-8783, Telephone 757-253-0004. All complaints alleging discrimination shall be taken up verbally with the teacher, assistant principal, and/or principal in the school where the alleged violation occurred. The staff member shall review the complaint, and verbally respond to the complainant within 10 administrative days.

If not resolved at the school level, the complaint shall next be filed in writing with the Title IX/504 Coordinator who shall investigate the complaint and respond in writing to the complainant within 10 administrative days after receipt of the written complaint. If the complainant is not satisfied with the response of the Title IX/Section 504 Coordinator, the complainant may submit a written appeal to the School Board through the School Superintendent, indicating the nature of the disagreement with the response, the reasons underlying such disagreement, and the remedy requested. The School Board shall consider the appeal in a timely fashion at a Board meeting following receipt of the appeal. The Board shall permit the complainant to address the Board in public or closed session, as appropriate and lawful, concerning the complaint, and shall provide the complainant with its decision in the matter within 10 administrative days following completion of the hearing. This decision shall be final at the local level.

Students and/or parents/guardians must initiate a formal complaint within 30 days of the occurrence of the alleged grievance.

Parental Responsibility & Involvement

Each parent/guardian of a student enrolled in a public school has a duty to assist the school in enforcing the Student Discipline Rules and attendance rules in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. Opportunities shall be provided for parent/guardian and community involvement in every school in the School Division.

Within one calendar month of the opening of school, the Superintendent shall, simultaneously with any other materials customarily distributed at that time, send to the parent/guardian of each enrolled student (1) a notice of the requirements of Section 22.1-279.3 of the Code of Virginia and (2) a copy of the School Board's Student Discipline Rules. Each parent/guardian 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 and this notice of the requirements of Section 22.1-279.3 of the Code of Virginia. By signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by Constitution or laws of the United States or the Commonwealth and a parent shall have the right to express disagreement with a school division's policies or decisions. Each school shall maintain records of such signed statements.

The school principal may request the student's parent/guardian or parents if both parents have legal and physical custody of such student to meet with the principal or designee to review the School Board's Student Discipline Rules and the parent/guardian's or parents' responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and education progress.

In accordance with Virginia Code § 22.1-277 and the guidelines required by Virginia Code § 22.1-279.6, the school principal may notify the parent/guardian of any student who violates a School Board policy when such violation could result in the student's suspension, whether or not the school administration has imposed such disciplinary action. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent/guardian to take actions to assist the school in improving the student's behavior; and (3) that, if the student is suspended, the parent/guardian may be required to accompany the student to meet with school officials.

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

Upon the failure of a parent/guardian to comply with the provisions of Section 22.1-279.3 of the Code of Virginia, the School Board may, by petition to the juvenile and domestic relations court, proceed against such parent/guardian for willful and unreasonable refusal to participate in efforts to improve the student's behavior, as follows:

- If the court finds that the parent/guardian has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in Section 22.1-279.3 of the Code of Virginia, to review the School Board's Student Discipline Rules and the

parent/guardian's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent/guardian to so meet.

- If the court finds that the parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials, or upon the student's receiving a second suspension or being expelled, it may order (1) the student or his parent/guardian or both to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior including participation in parenting counseling or a mentoring program as appropriate or (2) the student or student's parent/guardian, or both, 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/guardian. In addition, the court may order the parent/guardian to pay a civil penalty not to exceed \$500.

The civil penalties established in the Code of Virginia shall be enforceable in the juvenile and domestic relations court 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 of students. Upon the failure to pay the civil penalties imposed by Section 22.1-279.3 of the Code of Virginia, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

Reports of Certain Acts to Parents, School Officials and Police

By Virginia Law, certain illegal or violent incidents on a school bus, school property, or at a school-sponsored activity must be reported.

A. Reports shall be made to the principal or his designee on all incidents involving:

- 1) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting, or wounding of any person;
- 2) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid;
- 3) any threats against school personnel;
- 4) the illegal carrying of a firearm.

The principal or designee shall submit a report of all such incidents, as well as incidents reported to the principal by law enforcement personnel, to the superintendent. The superintendent shall annually report all such incidents to the Department of Education.

- B. The principal or designee shall notify the parent/guardian of any student involved in an incident required by Subsection A 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.
- C. The principal shall promptly report to law enforcement officials any act enumerated in Item A that may constitute a criminal offense.

Search and Seizure

School administrators have the right to search any student's person and/or personal effects (e.g., purse, book bag, etc.) when there is a reasonable suspicion that the student possesses an item which violates law, school policies and regulations, or which may be harmful to the school or its students.

Student desks and lockers are the property of the school, and school officials reserve the right to search desks and lockers. A general search of lockers or desks may be conducted to repossess school property or to locate contraband. The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should contraband be found during the search, law enforcement officials will be notified.

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be visually inspected at any time, and physically inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice and without student consent.

In addition, law enforcement and fire department officials have the right to interview students without prior parental notification or approval during the fact-finding phase of an investigation related to a suspected criminal violation, such as a bomb threat.

Sexual Harassment/Sexual Violence

Sexual harassment is illegal behavior that harms the victim and negatively impacts the school system by creating an environment of fear, distrust, and intolerance. Because the Williamsburg-James City County Schools is committed to providing a safe, healthy environment for all students that promotes respect, dignity, and equality, it is the purpose of this regulation to create and preserve an educational environment free from unlawful sexual harassment and discrimination on the basis of sex.

Williamsburg-James City County Schools strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events. It shall be a violation of this regulation for any student, employee or third party (school visitors, vendors, etc.) to sexually harass any student. Sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, employees or third parties when:

1. Submission to the conduct is made explicitly or implicitly a term or condition of a student's education (including any aspect of the student's participation in school-sponsored activities or any other aspect of the student's education);
2. Submission to or rejection of the conduct is used as the basis for decisions affecting a student's academic performance, participation in school sponsored activities, or any other aspect of a student's education;
3. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile, or offensive educational environment.

In compliance with applicable federal law, it is the policy of the Williamsburg-James City County Schools to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex. Victims of sexual harassment shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal.

Victims of sexual harassment should document the harassment as soon as it occurs and with as much detail as possible, including the nature of the harassment, dates, times, and places it has occurred; name of the harasser(s), witnesses, and the victim's response to the harassment. To the extent they feel safe and comfortable doing so, victims are first encouraged to confront the harasser, verbally or in a letter and/or with someone else present, and tell the harasser to stop the conduct because it is unwelcome. Any such communication should be documented. If the victim's concerns are not resolved satisfactorily by communicating with the harasser, or if the victim feels he/she cannot discuss the concerns with the harasser, the victim should directly inform the building administrator of the complaint and should clearly indicate what action he/she wants taken to resolve the complaint. While victims are encouraged to submit a complaint in writing, complaints may be made orally.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the building administration, and then shall immediately notify the building administrator. Any employee who fails to report student

complaints to the building administrator may face disciplinary action, up to and including dismissal. Any building administrator who fails to investigate student complaints of sexual harassment may be disciplined up to and including dismissal.

Students are encouraged to report complaints as soon as possible so that the complaint can be effectively investigated. The building administrator shall promptly investigate the complaint, at least within ten (10) days if possible, and report the results to the parties. If the building administrator determines that the complaint is well founded, he/she shall take appropriate disciplinary action and/or report the matter to the superintendent or designee for action.

The privacy and confidentiality of all parties and witnesses to complaints will be respected. However, because an individual's need for confidentiality must be balanced against the school system's obligation to cooperate with the criminal justice authorities, to afford due process to the accused, to conduct a thorough investigation, and to take appropriate corrective measures, the school system reserves the right to disclose the identity of parties and witnesses in appropriate circumstances to individuals with a need to know.

Any act of retaliation against any person who opposes sexual harassment, who has filed a complaint, or who has testified, assisted or participated in any way in the handling of a sexual harassment complaint is prohibited and is subject to disciplinary action up to and including dismissal. False or malicious complaints of sexual harassment may result in disciplinary action against the complainant.

This policy shall be posted in each facility in the school system and shall be published in the code of student conduct and in employee handbooks.

Subject: Gang Activity or Association

The School Board acknowledges the existence of gangs in the community and the threat they pose to the educational environment. Therefore, students shall not engage in gang activity on school grounds, on school buses or on any school sponsored activity. A gang is defined as any group of two or more persons whose purpose includes:

- commission of illegal acts
- participation in activities that threaten the safety of persons or property
- disruption of the school activities
- creation of an atmosphere of fear and intimidation.

Students shall be subject to disciplinary action in accordance with Policy and Regulation JFC for participating in gang activity. Gang activity is defined as:

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
- committing any act or omission, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang;
- using any speech or committing any act or omission in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy and (d) inciting other students to act with physical violence;
- inappropriate congregating, bullying, harassment, intimidation, degradation, disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

Weapons or Dangerous Objects

Weapons

Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any weapon, dangerous object, look alike, or any object that can be reasonably considered a weapon, or a substance that could cause harm or irritation to another person.

- A. Weapons include but are not limited to: handguns, pistols, rifles, shotguns, any weapon designed to expel a projectile or that may readily be converted to expel a projectile by the action of an explosive to include a zip or starter gun, any pneumatic gun or rifle that is air powered to include BB guns, paint ball or pellet guns, any weapon that is designed to or may readily be converted to explode to include live ammunition, knives or any sharp-edged instrument that is classified as a knife, any weapon that is designed to explode with the use of a triggering device and is used as a destructive bomb, 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 such as a taser gun, 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 such as a stun gun, and any weapon, instrument, or object that is represented as a weapon or is utilized in such a manner as to create alarm or harm in another. Said objects include but are not limited to, school supplies, toy weapons, laser pointers etc.
- B. Dangerous Objects include but are not limited to: any object that is utilized in such a manner as to create alarm or cause a disturbance may be considered a dangerous object: pepper spray, mace, fireworks, stink bombs, chains, etc.

Penalty

All violations of this policy shall result in the following:

- forfeiture of the weapon or dangerous object or look alike;
- notification of the Superintendent;
- notification of parents and local police; and
suspension with a recommendation for expulsion of the student following due process procedures

When students are found in possession of a knife less than three inches or in possession of a dangerous object, and who have not brandished or threatened to use such object, Principals reserve the right to recommend, in lieu of expulsion, long-term suspension. The recommendation for long-term suspension will require a mandatory 10-day suspension and a hearing before the Superintendent's designee to review intent, level of threat, and discipline history. The Superintendent's designee will have the option to suspend the student from 11 to 180 days based on a review of the facts. Violations of this policy would continue to result in: a) forfeiture of the weapon, b) notification of the Superintendent, c) notification of parents, and d) notification of police.

In accordance with state and federal law, a student who brings a firearm, as defined in § 22.1-277.01(E) of the Code of Virginia or 18 U.S.C. § 921 or as prohibited by § 18.2 308.1 of the Code of Virginia, on school property or to a school sponsored activity must be expelled for a minimum 365 days. The Board may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the Board from permanently expelling such students.

Voluntary Surrender of Weapons

Students who voluntarily surrender a weapon to a school official may be excluded from the penalty for violation of this policy. Turning in a weapon to avoid apprehension is not voluntary surrender. Any violation of law shall be reported to appropriate authorities. All instances of such voluntary surrender shall be reported in writing to the Superintendent.

Alcohol and Drugs

1. Student Use or Possession of Drugs or Alcohol, Including Anabolic Steroids and Drug-Related Paraphernalia Defined

The unlawful manufacture, distribution, dispensation, possession, use, or facilitating the use of, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other controlled substance as defined § 18.2-247 of the Code of Virginia and as defined in Schedules I through V § 202© of the Controlled Substance Act at 21 U.S.C. §812©, imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, or going to and from school, shall result in suspension and/or expulsion from school. “Drug paraphernalia” shall mean those items described in Section 18.2-265.1 of the Code of Virginia and “imitation controlled substance” shall mean a pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

Procedures

The School Board shall expel from school attendance any student whom the School Board has determined, in accordance with the procedures set forth in this Code of Conduct, to have brought, possessed, sold, supplied, used, or was under the influence of a controlled substance, imitation controlled substance, or marijuana as defined in Virginia Code Section 18.2-247 onto school property or to a school-sponsored activity or going to or from school. The School Board may, however, determine based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board may, by regulation, authorize the division superintendent or designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate, provided that any such disciplinary action is taken in accordance with the procedures applicable to such action.

- A. Selling, supplying, or possession with intent to supply/sell to another person dangerous or illegal drugs/substances (including anabolic steroids), or alcoholic beverages —**EXPULSION**
- B. Use and/or under the influence of dangerous or illegal drugs/substances (including anabolic steroids) or alcoholic beverages:

First offense - Long-term suspension; referral to, assessment by and (if recommended) participation in an approved substance abuse intervention program involving the student and his parents; 45 calendar day exclusion from participation and attendance of all extracurricular activities (except where building-level athletic guidelines call for longer exclusion.) Failure to comply with the terms of the penalty shall result in an immediate referral for expulsion to the School Board. Offenses involving students in Grades 6-12 shall be cumulative.

Second offense – **EXPULSION**

- C. Purchasing, possessing, or attempting to purchase or possess dangerous or illegal drugs/substances (including anabolic steroids), drug paraphernalia, or alcoholic beverages (including non-alcoholic beverages):

First offense - Long-term suspension; referral to, assessment by and (if recommended) participation in an approved substance abuse intervention program involving the student and his parents; 45 calendar day exclusion from participation and attendance of all extracurricular activities (except where building-level athletic guidelines call for longer exclusion.) Failure to comply with the terms of the penalty shall result in an immediate referral for expulsion to the School Board. Offenses involving students in Grades 6-12 shall be cumulative.

Second offense – **EXPULSION**

2. Medication

Students are prohibited from possessing any medication or prescription drugs, even if recommended or prescribed for the student's use. "Medication" shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like. A principal may grant an exception and allow a student to carry prescribed medication and to self-medicate if the following stipulations are met:

- (a) The medication has been brought to the school clinic in its original container with the prescribed dosage and method of administration clearly indicated; and
- (b) The school has a statement on file in the school clinic signed by the prescribing physician stating that the student needs to carry the prescribed medication and may self-medicate as needed; and
- (c) ©The school has on file in the school clinic signed permission by the student's parent/guardian allowing the student to carry the prescribed medication and allowing the student to self-medicate as needed.

Student possession of over-the-counter drugs and prescribed medication may result in the same interventions and consequences as controlled substances.

For elementary students needing to take medication during school hours, the medication is to be brought to the school nurse by the parent/guardian in its original container with the prescribed dosage and method of administration clearly indicated. Secondary students (grades 6-12) may bring medication to school provided the medication is delivered to the school nurse at the beginning of the school day in its original container with the prescribed dosage and method of administration clearly indicated.

3. Penalty

All violations of this policy shall result in the following:

- (a) forfeiture of the controlled substance, alcohol, and/or drug-related paraphernalia
- (b) notification of the Superintendent;
- (c) ©notification of parent/guardian and local police; and
- (d) suspension of the student (up to five days for Grades K-5 and a mandatory 10 days for Grades 6-12) with principal's recommendation for expulsion consistent with above following due process procedures.

4. Voluntary Surrender of Drugs or Alcohol

Students who voluntarily surrender a controlled substance to a school official may be excluded from the penalty for violation of this policy. Turning in a controlled substance to avoid apprehension is not voluntary surrender. Any violation of law will be reported to appropriate authorities. All instances of such voluntary surrender shall be reported in writing to the Superintendent.

5. Mandatory Drug Testing Option

The School Board may require any student who has been found in violation of the Williamsburg-James City County's policy on Alcohol and Drugs 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/guardian, that the student participate in a intervention program.

School Attendance

I. Compulsory Attendance

All children, age five on or before September 30 of any school year and who have not passed their eighteenth birthday, are required by law to either 1) attend a public, private, denominational, or parochial school; 2) be taught by a tutor or teacher approved by the school superintendent; 3) be home-schooled as described in law. Each child is required to receive this instruction during the same period of the year the public schools are in session for their regular academic year.

II. Student Absences and Excuses

Schools are required to monitor attendance and keep parents informed. An attempt will be made to contact parents on each day of absence, unless contact is received from the parent.

Dated notes, stating the specific reason for the absence and signed by the parent or guardian, will be required on the first day of return to school. These notes will be kept on file for the current school year. Excessive absences will be reported to the principal.

Approved absences are those caused by illness, quarantine, religious holidays, death in the family, natural disasters, or other reasons approved by the principal. Taking family trips during school time is strongly discouraged; however, family trips which cannot be taken at any other time will be considered approved absences for a period not to exceed one school week. Parents must submit a written request to the principal at least one week prior to the planned absence. Planned absence for family trips will be approved only if the student's attendance, behavior, and academic record are in good standing. Absence for family trips which have not been prearranged will be documented as unexcused.

Any student who is absent from school without the knowledge of his/her parent will be considered truant. All truants will be reported to the building principal who will take appropriate action to correct the situation and prevent future occurrences.

Attendance and participation in all classes are important. Students run the risk of receiving a reduced grade if they are excessively absent or tardy from class. Students will be held accountable for school work missed due to any absence, including suspensions. Teachers have the responsibility to offer students the opportunity to make up work within a reasonable time period. Students have the responsibility for completing the missed work within the designated time period.

When truancy becomes chronic (five or more days in a school year), steps shall be taken in accordance with Code of Virginia 22.1-258, which specifies that a school representative, the student, and the student's parent shall jointly develop a plan to resolve the student's nonattendance. Parents are required by law to participate in efforts to improve their child's attendance and may be subject to legal action if they refuse to attend meetings with school officials for this purpose.

If the student continues to be absent with no indication that the student's parent is aware of and supports the student's absence, the school shall schedule a conference to resolve issues related to the student's nonattendance. Upon the next absence by such student without indication to the school that the student's parent is aware of and supports the student's absence, the school shall enforce the provisions of the law 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 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.

III. Medical Excuses

The following procedures are designed to protect the health of all students and to verify all absences for medical reasons.

1. If a student has developed a pattern of habitual absences which appear to be due to illness, the principal shall first ask the nurse to contact the student's parent in order to assess the impact of the student's medical condition on school attendance and develop an Individualized Healthcare Plan, if indicated. If the absences do not appear medically justified, an attendance meeting will be scheduled to develop a plan for improving attendance. Medical excuses may be required in order to excuse further absences.
2. A written medical excuse from a licensed practicing physician is to be provided for each period of absence in excess of three consecutive school days giving exact dates of illness. Under extenuating circumstances, this provision may be waived by the principal.
3. A written medical recommendation is to be provided from a practicing physician for changes in schedule, limited hours of attendance, and related matters, when the reason for change is based upon physical or emotional factors.

IV. Exclusions and Exemptions from School Attendance

Exclusions and exemptions from school attendance will be in accordance with state law. Parents or guardians of children found in violation of the compulsory attendance laws will be subject to court action.

