

# FAIRFAX COUNTY PUBLIC SCHOOLS

## Student Responsibilities and Rights Grades 4-12



FAIRFAX COUNTY  
PUBLIC SCHOOLS

Jack D. Dale, Superintendent  
8115 Gatehouse Road  
Falls Church, Virginia 22042

August 2007

Dear Parent or Guardian:

The Fairfax County Public Schools (FCPS) mission states that *Fairfax County Public Schools, a world-class school system, inspires, enables, and empowers students to meet high academic standards, lead ethical lives, and demonstrate responsible citizenship.* FCPS is committed to providing a safe learning environment that stimulates intellectual curiosity, develops positive personal qualities and well-being, fosters respect for individual differences, encourages and welcomes parental involvement, and emphasizes high expectations for student achievement and behavior.

Creating and maintaining this environment is a shared responsibility of school personnel, students, and parents or guardians. The information in the *Student Responsibilities and Rights (SR&R)* booklet helps our students understand their responsibility for proper behavior as well as their right to be educated in a safe environment. It is designed to help create an environment that both ensures the safety of all students and staff and supports our mission. It is important to review the entire booklet with your child, paying particular attention to the dress code in Chapter I and the Rules of Conduct in Chapter II. The official up-to-date version of Regulation 2601, available through the FCPS web site at [www.fcps.edu](http://www.fcps.edu), includes any changes that may be made between printings. Please keep this booklet available to review with your child throughout the year.

The Code of Virginia, §22.1-279.3, requires school divisions to provide parents with a copy of the standards of student conduct and to obtain a signed acknowledgment of receipt. The Code text related to parental responsibility and involvement may be found inside the front cover of the SR&R booklet.

The SR&R booklet also contains the Acceptable Use Policy for Student Network Access and the Standards of Conduct for Pupils Riding School Buses. Please review these with your child and acknowledge your receipt of these documents by signing, and having your child sign, the parent or guardian and student signature page. Please return the signed page to your child's school by September 21, 2007.

Your continued involvement with your school and community is very important as we prepare our young people for tomorrow's world. Together we can ensure that our students will experience a productive and successful year.

Sincerely,

Jack D. Dale  
Superintendent of Schools

JDD/jb

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# Code of Virginia

Current version of the Code of Virginia § 22.1 – 279.3, Parental responsibility and involvement requirements:

- A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.
- B. A school board shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

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

- D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such a student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1 - 279.6, the school principal may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under circumstances to declare the student a child in need of supervision.
- F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.
- G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:
  - 1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and education progress, it may order the parent to so meet; or
  - 2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.
- H. The civil penalties established pursuant to this section 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 treatment designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.
- I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

# Parent or Guardian and Student Signature Sheet

This page must be signed by you (the parent or guardian) and your child (student) and returned to the school in which your child is enrolled. Your signatures acknowledge that you have received the School Board's Standards of Student Conduct and the notice of the requirements of Section 22.1-279-3 of the Code of Virginia (see inside front cover), a copy of the Compulsory School Attendance Law, the Acceptable Use Policy for Student Network Access, and the Standards of Conduct for Pupils Riding School Buses. This sheet will be maintained by your child's school.

- ***Student Responsibilities and Rights (SR&R)*, which contains the School Board's Standards of Student Conduct on pages 14 to 31.**
- **Parental Responsibility & Involvement Requirements (Section 22.1-279.3) on inside front cover.**
- **Acceptable Use Policy for Student Network Access on page 39.**
- **Standards of Conduct for Pupils Riding School Buses on page 41.**
- **Copy of Compulsory School Attendance Law on page 43.**

The undersigned acknowledge that we have received each of the above items.

\_\_\_\_\_  
Student's Name

\_\_\_\_\_  
School and Grade

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent's or Guardian's Signature

\_\_\_\_\_  
Date

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

—▶ **RETURN TO YOUR CHILD'S SCHOOL NO LATER THAN SEPTEMBER 21, 2007** ◀—

RETURN TO YOUR CHILD'S SCHOOL NO LATER THAN SEPTEMBER 21, 2007



## **SPECIAL SERVICES**

### **Student Responsibilities and Rights**

#### **Student Responsibilities and Rights Booklet**

This regulation supersedes Regulation 2601.20P.

#### **I. PURPOSE**

To establish, for use by students and parents or guardians, a booklet describing the responsibilities and rights of students as prescribed in the Code of Virginia and Fairfax County School Board policy and regulations.

#### **II. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

See *Student Responsibilities and Rights (SR&R) 2007-08 Update* on page 2.

#### **III. PROCEDURES AND DISTRIBUTION**

The Department of Special Services shall develop, for the Division Superintendent's review, a booklet for teachers, students, and parents or guardians stating the legal responsibilities and rights of students in Fairfax County Public Schools (FCPS). The booklet shall also define the rules of conduct and disciplinary procedures applicable to students.

This booklet shall be reviewed annually by the Department of Special Services, and revisions shall be published as necessary. A supply of the booklets shall be sent to each school for distribution to students in grades 4 through 12. General distribution to students shall be completed prior to September 30 of each year. Each new student who enters FCPS after the general distribution shall be given a copy at the time of registration. The current version of Regulation 2610.P, Removal (Suspension, Expulsion, or Exclusion) of Students From School, will be used only for due process. As required by Section 22.1–279.3 of the Code of Virginia, the parents or guardians of each enrolled student shall be sent a copy of the rules of conduct within one calendar month of the opening of school. This requirement shall be met in grades 4 through 12 by distribution of the current version of Regulation 2601.P. The requirement shall be met in grades kindergarten through 3 by distribution of the booklet, *Student Responsibilities and Rights*, Grades K-3, which includes the Rules of Conduct as an Elementary School Student.

#### **IV. STUDENT AND FACULTY ORIENTATION**

All principals are requested to review the *Student Responsibilities and Rights (SR&R)* booklet with their faculties prior to the opening of school and to pay special attention to any changes.

Principals shall develop procedures to ensure that each student has an opportunity to become familiar with the booklet. This includes appropriate adaptations for students with special learning problems. Principals are encouraged to discuss with the cluster assistant superintendents their plans for distributing booklets and for conducting student and faculty orientations.

The SR&R booklet does not apply in its entirety to summer school attendance. The following notice shall be provided to all summer school students as part of their orientations:

Summer school attendance is a privilege, and, accordingly, each summer school student is expected to comply with the rules of student conduct outlined in the current version of Regulation 2601.P, SR&R.

All students attending summer school should be reminded that a principal may impose a short-term suspension and recommend an expulsion in any situation involving prohibited conduct.

With respect to any violation for which the disciplinary sanction includes a recommendation of expulsion, the provisions and procedures set forth in the current version of the SR&R shall govern and be controlling. A student who is expelled for a violation that occurred during a summer school session may also be expelled from all FCPS programs during the regular school term.

All other violations of the SR&R occurring during summer school shall be dealt with at the discretion of the summer school administration, following a conference with the student at school. The parents or guardians of any student suspended from summer school may request a review by the summer school principal of any such disciplinary decision promptly and in no event later than two school days after the date of such decision. The principal shall review such matter on an expedited basis and shall issue a decision within one school day following receipt of such request, if practicable. In conducting such review, the principal may, in his or her discretion, elect to schedule a hearing or may issue a decision based on an examination of the written record. If not satisfied with the principal's decision, the parents or guardians may submit a written appeal to the Hearings Office within two school days after the date of the principal's decision. The hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the written record. The decision by the hearing officer shall in all events be final. In the event that a summer school session ends before disciplinary action shall have been taken or otherwise carried out, such action may be taken or imposed by school officials, as the case may be, during the next regular school session.

Due to the abbreviated nature of the summer school session and the accelerated pace of instruction, a special attendance policy is in effect for summer school, as follows: Students are expected to attend all classes and to arrive for each class on time. The classroom teacher determines whether a student is on time, tardy, or absent. Any student who is absent from summer school for more than two full days during any summer session (as a result of illness, vacation, disciplinary action, tardies, any other

|| reason, or any combination of the foregoing) shall be withdrawn from summer school automatically and without credit or refund for such session.

Legal Reference: Code of Virginia, Section 22.1-279.3

See also the current version of: Regulation 2610.P, Removal (Suspension, Expulsion, or Exclusion) of Students From School

Attachment



Regulation 2601.21P

***FAIRFAX COUNTY PUBLIC SCHOOLS***

***STUDENT  
RESPONSIBILITIES  
AND  
RIGHTS***

Fairfax County Public Schools  
8115 Gatehouse Road  
Falls Church, Virginia 22042

**AUGUST 2007**



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## **Student Responsibilities and Rights (SR&R)**

### ***2007-08 Update***

The following changes are included in the SR&R booklet, August 2007-08:

The section of the SR&R regarding Summer School attendance has been expanded to include the appeal process and clarify the attendance policy.

The regulation changes all references to “designated cluster hearing officer” to “the Hearings Office” or “hearing officer” and “appropriate cluster assistant superintendent” to “cluster assistant superintendent” throughout the document.

#### **Chapter I Responsibilities and Rights of Students**

- B.1. Added sentence “Students are expected to attend all classes and to arrive for each class on time.” (p. 8)
- D. Added “such as gang symbols” after illegal or violent conduct; removed “such as gang symbols” after clothing that contains threats. (p. 9)
- G. Added titles G.1. General, G.2. Individual Belongings, G.3. Individual Search, and G.4. Video and Audio Surveillance. In G.2., added “electronic device”; “or at a school-sponsored activity”; added “evidence of a violation of a school regulation or of unlawful activity”; changed shall to should; and added “if practicable.” (p. 10)
- G.4. Added “Video and Audio Surveillance” with explanation. (p. 11)

#### **Chapter II Rules of Conduct and Disciplinary Procedures**

- A. Added “The violations listed herein are examples of prohibited conduct.” (p. 14)  
Added “but are not limited to.” (p. 14)
- A.2.m. Clarification of possession of portable communication devices and added “Principals may elect to return the phone to the student’s parent or guardian or to return the phone to the student and contact the parent or guardian.” (page 16)
- A.3. Added “School disciplinary action may be taken regardless of whether the student’s age is such that his or her possession or use of alcohol, tobacco, or over-the-counter medication is permitted by law.” (p. 16)
- A.3.a. Removed “on school property.” (p. 16)
- A.3.a.(1) Removed “A student who violates this regulation may be referred to the police for a civil offense charge.” (p. 17)
- A.3.a.(2) Removed “A report shall be made” and “the student may be charged in accordance with the Code of Virginia, Section 18.2-371.2.” (p. 17)

- A.3.a.(3) Added “School officials may report any such violation to the police in accordance with the Code of Virginia, Section 18.2-371.2.” (p.17)
- A.4.a. Added “or theft of any.” (p. 20)
- A.4.c. Added “school-sponsored activity.” (p. 20)
- A.5.c. Added the words “ammunition or knife.” (p. 22)
- C.2. Added “School” Days or Less (Short-Term Suspension). (p. 24)
- C.2.d.(4) Added “if practicable” before the hearing of the date, time, and place of the hearing and the procedures of the hearing. (p. 25)
- C.4. Added “School” Days (Long-Term Suspension). (p. 26)
- C.4.a. Added “if practicable” before the hearing of the date, time, and place of the hearing and the procedures. (p. 27)
- C.5. Removed “with the approval of a designated cluster hearing officer.” (p. 27)
- C.5.a. Added “if practicable” before the hearing of the date, time, and place of the hearing and the procedures. (p. 28)
- C.6. Removed “Suspension for More Than Ten Days or Expulsion of a Student With a Disability” and added “Students With Disabilities.” (p. 28)
- C.6.a. Added title “Short-Term Suspension (Ten School Days or Less)” with explanation. (p. 28)
- C.6.b. Added title “Long-Term Suspension (More Than Ten School Days) or Expulsion” before (1) Special Education Services. (p. 28)

### **Glossary of SR&R Terms**

- Added definition of day. (p. 36)
- Added definition of gang. (p. 36)

### **Acceptable Use Policy for Student Network Access**

#### **Ethical Conduct for Users (p. 40)**

- Added “Refrain from using offensive, obscene, or harassing language when using FCPS network systems” and removed sentence from Internet Safety and Security.
- Added “Abstain from accessing, changing, or deleting files belonging to others” and removed sentence from Internet Safety and Security.

#### **Internet Safety and Security (p. 40)**

- Changed title of section from “Appropriate Use” to “Internet Safety and Security.”

Added “Users are prohibited from viewing, sending, and accessing illegal material.”

Added “Students have the responsibility to cite and credit all Internet material used.”

Added “Students are prohibited from downloading inappropriate or illegal material on FCPS computers.”

**Standards of Conduct for Pupils Riding School Buses**

Discipline      Added “and audio recorder.” (p. 41)

Added:          Code of Virginia 22.1-254 Compulsory School Attendance (p. 43)

## INTRODUCTION

The legal responsibilities and rights of students in the public schools of Fairfax County and the rules of conduct and disciplinary procedures applicable to students are explained in this booklet in accordance with the current version of Fairfax County School Board Policy 2601, which provides:

The Fairfax County School Board recognizes that in our free and democratic society the law imposes responsibilities upon public school students and guarantees to them constitutional and other legal rights appropriate to their ages and levels of maturity. To help all students understand and appreciate both their responsibilities and their rights, it is the policy of the Fairfax County School Board that the Division Superintendent develop, subject to review by the School Board, and maintain written regulations stating the legal responsibilities and rights of students in Fairfax County Public Schools (FCPS) and the rules of conduct and disciplinary procedures applicable to students. This information shall be provided to each student and teacher in the form of a *Student Responsibilities and Rights* (SR&R) booklet.

The Fairfax County School Board is committed to ensuring respect for the civil rights of all members of the school community, as guaranteed by the Constitution and laws of the United States and the Commonwealth of Virginia. Our policies and regulations are designed to recognize the essential dignity of each student, teacher, and staff member and to create an atmosphere in which learning may flourish.

All regulations referred to in this booklet are available from the local school, or you may access them from the FCPS web page at [www.fcps.edu/Directives/](http://www.fcps.edu/Directives/). The official and current version of this regulation is available through the FCPS web site, which includes any changes that may be made between printings. Copies of this regulation may be obtained, upon request, through the principal's office of any Fairfax County public school or at any public library in Fairfax County in accordance with library procedures.

No student, employee, or applicant for employment in FCPS shall, on the basis of race, color, sex, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.

**NOTE:**

The titles of school system personnel used in this booklet shall in all events be deemed to include the designees of such personnel and any successors in the event of reorganization.

CHAPTER I

RESPONSIBILITIES AND RIGHTS OF STUDENTS

A. Guidelines for Student Responsibilities and Rights

| Rights   | Responsibilities   |
|--|--|
| <p><u>Education</u></p> <p>The rights of all students, including those guaranteed by the Constitutions of the United States and the Commonwealth of Virginia, and by applicable federal and Virginia statutes, and the right to an education are and shall be recognized without regard to race, religion, sex, creed, ability to pay, national origin, disability, or intellectual ability. Students have a right to a public education beginning with kindergarten and extending through the 12th grade.</p> | <p>Student responsibilities include regular school attendance, conscientious effort in classroom work, conformance to school rules and regulations, and the responsibility not to interfere with the education of fellow students or the orderly operation of the school.</p>  |
| <p><u>Environment</u></p> <p>Students have the right to expect a safe school environment in which to learn and a climate within the school that is conducive to learning.</p>  | <p>Students have a responsibility to help the school staff in operating a safe school by abiding at all times by the laws of the United States, the Commonwealth of Virginia, the county of Fairfax, the regulations of the Fairfax County School Board, and the individual school. Students have a responsibility to notify school staff members of behavior that might endanger the safety and well-being of themselves or others.</p> |
| <p><u>Respect</u></p> <p>Students have a right to expect courtesy, fairness, and respect from members of the school staff and other students.</p>  | <p>Students have the responsibility to respect the rights and authority of teachers, students, administrators, and all others included in the educational process.</p>   |

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**Rights**

**Responsibilities**

---

Property

Students have a right to expect that other students and school personnel will respect their personal property.

Students have the responsibility to respect personal property rights of other students, teachers, and administrators as well as the public's property, including equipment and school buildings. Students are responsible for the personal property that they take to school, on a school-sponsored function such as a field trip, or on a school bus.

Participation

Students who comply with all rules and regulations will have the opportunity to participate in school-sponsored activities.

Students have a responsibility to comply with all rules and regulations for student behavior at all school-sponsored functions.

Expression

Students have the right to exercise freedom of expression and to address policies publicly, privately, in writing, in visual form, or orally. Students may advocate change in any law, policy, or regulation.

Students have a responsibility to see that expressions do not interfere with the educational program. Students have a responsibility to not use statements or visual imagery that is obscene, slanderous, libelous, or violent; to not use disruptive tactics; and to not advocate violation of the law or school regulations.

Complaint

Students have the right to complain to school staff members regarding decisions made by staff members that are considered not to be in the students' best interests.

Students have the responsibility to follow the complaint procedures stated in Chapter I, section J.

Conflict Resolution

Students have a right to resolve disputes with other students, or staff members, in a way that is nonthreatening for all parties and that promotes positive relationships. This right does not extend to prohibited conduct that would result in disciplinary action.

Students are responsible for resolving disputes in an appropriate and nonviolent manner. Students may choose to use conflict resolution or peer mediation skills on their own or request help from teachers or counselors; this does not extend to prohibited conduct that would result in disciplinary action.

## **B. Responsibility for Attendance**

### **1. General**

Students are expected to attend all classes and to arrive for each class on time. Students shall follow their assigned daily schedules unless properly excused by the principal or authorized representative. Each student shall provide a satisfactory written explanation from his or her parent or guardian for any absence from class and for the release of the student from school during the school day. Principals may at their discretion accept a personal or telephone contact with the parent or guardian in lieu of a written excuse for a student's absence. Justifiable absences include those due to illness of the student, death in the family, medical or dental appointment, personal religious obligations, or other reasons acceptable to the principal.

### **2. Class Cuts**

A middle or high school student forfeits daily grades for each unexcused absence from a class. Credit for the class is withheld after two unexcused absences (class cuts) until a conference is completed. A student receives a failing grade for the quarter if he or she has three or more unexcused absences from the class. The current version of Regulation 2234 provides additional details.

### **3. All-Day Absences**

Whenever any student accumulates a total of five unexcused days of absence in a school year, the school will refer the student to the attendance officer, and a plan to resolve the nonattendance will be developed. If an additional unexcused absence occurs in the same school year, a conference will be scheduled. If a further unexcused absence occurs in the school year, the attendance officer will file a complaint with the Juvenile and Domestic Relations Court as described in Section 22.1-258 of the Code of Virginia. The current version of Regulation 2234 provides additional details.

## **C. Pledge of Allegiance and One Minute of Silence**

Students at each school are expected to recite the Pledge of Allegiance and to observe one minute of silence, on a daily basis, at the direction of the principal unless the student or his or her parent or guardian objects to participation in such exercises. No student shall be subjected to unfavorable comment or stigmatization for his or her decision to participate in or to abstain from the recitation of the Pledge of Allegiance or observance of one minute of silence. Nonparticipating students are expected to sit quietly, or to stand silently, during the Pledge of Allegiance or the observance of the minute of silence and to refrain from engaging in any disruptive or distracting activity. No disciplinary sanctions may be imposed for refusal to participate in reciting the Pledge of Allegiance or in observing the minute of silence; however, willful disruption or interference with the exercise of pledging allegiance by others or interference with other students' exercise of their choice to meditate, pray, or engage in any other silent activity may result in the same disciplinary measures accorded to other instances of classroom disruption in school. Student prayer rights are described in more detail at [www.fcps.edu/DHR/oec/relguide.htm](http://www.fcps.edu/DHR/oec/relguide.htm).

#### **D. Dress Code**

All students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, or obscene, or clothing that promotes illegal or violent conduct, such as gang symbols, the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia, or clothing that contains threats is prohibited. (See page 16, section II.A.2.I., for additional information regarding gang-related clothing.) Clothing should fit, be neat and clean, and conform to standards of safety, good taste, and decency. Clothing that exposes cleavage, private parts, the midriff, or undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, studded belts, chain belts, clothing constructed of see-through materials, and head coverings unless required for religious or medical purposes.

Parents or guardians of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal. Students not complying with this code will be asked to cover the noncomplying clothing, change clothes, or go home. Repeated infractions will result in disciplinary action. The current version of Regulation 2613 provides additional details.

#### **E. Right of Expression and Limitations**

Students may exercise the right to freedom of expression through speech, assembly, petition, and other lawful means and have the right to advocate change of any law, policy, or regulation. The exercise of this right may not interfere with the rights of others, nor may oral or written student opinions or visual expression be used to present material that falls into any of the following categories:

1. Material that reasonably leads the principal to forecast substantial disruption of, or material interference with, school activities or that endangers the health or safety of students. A full definition of such material and the procedures to be used by the principal in making a forecast of disruption are contained in the current version of Regulation 2612.
2. Material that is libelous or slanderous--statements that are inaccurate or false statements that injure the person by damaging his or her reputation; cause personal humiliation, mental anguish, and suffering; or cause other injuries. A more detailed definition of libelous and slanderous material and additional guidelines governing such material are contained in the current version of Regulation 2612.
3. Material that advocates the commission of a criminal act or is a criminal act as defined by the criminal code of the United States, the Commonwealth of Virginia, or Fairfax County.
4. Material that is obscene as defined in Section 18.2-372 of the Code of Virginia (1950), as amended, or material that is "harmful to juveniles" as defined in Section 18.2-390 or that violates Section 18.2-391 of the Code of Virginia (1950), as amended. Current

copies of these sections of the Code of Virginia are on file in each principal's office and are available for review.

**F. Right to Distribute Literature**

In high schools and middle schools, the student government shall coordinate the procedures for receiving and reviewing literature that students enrolled in the school want to display or distribute. In all schools, the material is subject to approval by the principal. The principal, in consultation with the student government, if feasible, shall determine adherence or nonadherence to the provisions of section E. (above) and the current versions of Regulation 2612, Policy 1365, and Regulation 1367; if the literature satisfies these requirements, the principal and student government shall not deny distribution based on the viewpoint expressed in the literature. The principal shall make this determination within one day after copies are presented and shall designate a reasonable time, place, and manner for distribution or display of such literature if the provisions of section E. (above) and the current version of Regulation 2612 have been met.

Any student who does not agree with the principal's decision may appeal in writing to the cluster assistant superintendent who shall make a decision within two days after receipt of the appeal. A student who does not agree with the decision of the cluster assistant superintendent may appeal in writing to the Division Superintendent. The Division Superintendent will render a decision within two school days, and that decision shall be final. The above time periods may be enlarged by school officials in extraordinary situations.

Elementary students may not make mass distributions of nonschool materials in school buildings or on school property during school hours, including during bus arrival and departure times.

**Distribution of Literature by Nonstudents**

Distribution of literature, announcements, posters, bulletins, and communications by individuals not directly connected with the schools, including students not currently enrolled in a Fairfax County public school, shall not be permitted except as provided in the current versions of Policy 1365 and Regulation 1367.

**G. Search and Seizure**

**1. General**

Desks, lockers, and storage spaces, which are provided to students without charge, are the property of the school. The principal may conduct general inspections on a periodic or random basis and may open desks, lockers, or storage spaces in the presence of a witness and examine the contents, including personal belongings of students.

**2. Individual Belongings**

Any desk, locker, storage space, item of personal belongings, electronic device, and/or vehicle parked on school property or at a school-sponsored activity may be inspected

on an individual basis when reasonable grounds exist that it contains evidence of a violation of a school regulation or of unlawful activity (such as illegal drugs, weapons, stolen property, or other contraband), provided that the search is conducted primarily for the purpose of enforcing order and discipline in the school or at the school-sponsored activity and not for criminal prosecution. Reasonable efforts to locate the student **should** be made prior to the search, **if practicable**. If the student is present, the school official shall advise him or her of the circumstances justifying the search and seizure of the objects that the official believes the search may disclose. If the student is not present, he or she shall be informed of the search. Stolen items and items that are specifically prohibited by law, School Board policy, or county or school regulations (contraband) may be impounded. The student shall be given a receipt for any items impounded (other than contraband) by school authorities, and the parent or guardian shall be notified of any items impounded.

### 3. Individual Search

Students believed to have any such contraband on their person may be searched, and metal detectors may be used. Such personal searches may extend to pockets; to the removal and search of outer garments such as jackets, coats, sweaters, or shoes; and to items such as pocketbooks or backpacks. Students suspected of alcohol consumption or of being under the influence of illegal drugs may also be administered a breath sample test, or the principal may immediately require a drug test as provided in the current version of Regulation 2610.

### 4. Video and Audio Surveillance

Public areas of school property are subject to video and audio surveillance and recording.

## H. The Rights of Adult Students and Their Parents or Guardians

With certain exceptions, 18-year-olds are considered adults under the law of Virginia. Those 18-year-olds who want to act in lieu of their parents or guardians regarding field trips, access to student records by third parties (except those persons who have access without consent), part-time employment, use of motor vehicles, and questioning by police, must sign a declaration. Students who want to exercise this right may do so by following the procedures outlined in the current version of Regulation 2604. Parents or guardians of such students shall be notified of their children's decisions in this regard.

As provided by federal law, the parent or guardian of a student who is a dependent for tax purposes may have access to the student's record. Further, as required by the Code of Virginia, the parent or guardian will be notified by letter of any instance of the student's suspension from school. School personnel will continue to contact the student's parent or guardian regarding the student's academic performance in school and any suspension from school even though a declaration is filed by the student. Unless otherwise noted, adult students are subject to all rules and regulations of the school.

The SR&R booklet does not apply in its entirety to students who are older than persons of school age as defined in the Code of Virginia\* and who are not eligible for special education services pursuant to the Individuals with Disabilities Education Improvement Act, or students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year (collectively, “adult students”). While adult students are expected to comply with the rules of conduct as stated in the SR&R, the hearing and appeal process applicable to them is more limited and is as follows: the determination of whether an adult student has violated one or more rules of conduct, whether the adult student should be disciplined (up to and including expulsion), and whether readmission should be allowed, shall be made by the school principal whose decision in that regard shall be final unless—as to a long-term suspension or expulsion—the adult student appeals in writing within four days to the hearing officer. If an appeal is made by the adult student, the hearing officer may decide the appeal by reviewing only the written record or may elect to hold an additional hearing. The hearing officer’s decision shall be in writing. If an appeal is made by the adult student to the School Board, the School Board may decide the appeal by reviewing the written record or may elect to hold an additional hearing.

#### **I. School Records**

Students have the right to accurate and complete school records, maintained in accordance with applicable federal and Virginia laws. Accurate and complete individual records shall be maintained for each student enrolled in FCPS. The current versions of Policy 2701, Regulation 2701, and the *Management of Student Scholastic Records Manual* (the “Records Manual”), govern the management of student records and provide:

1. That parents or guardians have the right to inspect any and all records relating to their dependent(s).
2. That students who have reached 18 years of age, or are attending an institution of postsecondary education, have the right to inspect their records.
3. That students under the age of 18 years old, with written parental or guardian permission, may inspect their records.
4. That information may be released to others only under carefully prescribed conditions.
5. That nominal fees may be charged for duplication of records.
6. That parents or guardians or adult students may challenge the contents of a student’s scholastic record by following the procedures in the Records Manual, which provides for a complaint and a hearing.
7. That certain information, known as directory information, may be released without parental or guardian consent.

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\* According to the Code of Virginia, a “person of school age” means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.” Va. Code Ann. §22.1-1.

8. That scholastic records may be forwarded on request to a school in which the student intends to enroll or to which the student has applied for admission.

The current versions of Policy 2701, Regulation 2701, and the Records Manual are available for review in the principal's office at each school.

## **J. The Right to Complain\***

Students who believe that conditions of the school or decisions made by staff members are not in their best interests may present complaints to teachers, counselors, or school administrators, who shall make themselves available or schedule appointments to hear these complaints. Any student or parent or guardian who believes that conduct, either by an individual or by a group, creates a hostile or abusive environment that limits a student's ability to participate in or benefit from the educational program is encouraged to notify school staff members. Following a founded report of inappropriate conduct, the principal shall take immediate action to end the mistreatment, and he or she may take appropriate disciplinary action as required. The principal shall notify, in writing, the director, Office of Equity and Compliance, of complaints alleging discrimination.

### **1. Meeting With the Principal**

If a student is not satisfied that a complaint previously presented to a member of the school staff has been resolved satisfactorily, the student or parent or guardian may request a meeting of the student, the parent or guardian, and the principal. The principal may require the parent or guardian to attend and shall, following the meeting, promptly inform the parent or guardian in writing of his or her decision on the complaint.

### **2. Complaint to the Cluster Assistant Superintendent**

The principal's decision on a complaint may be appealed by the student or parent or guardian to the cluster assistant superintendent within two school days following receipt of the principal's decision. The written complaint shall state precisely the reasons for the dissatisfaction with the principal's decision and shall be limited to the matter under review. Upon receipt of a written complaint, the cluster assistant superintendent shall promptly review the complaint and inform the student or parent or guardian in writing of the decision. The cluster assistant superintendent may at his or her discretion include a meeting with the principal and the student or parent or guardian as part of the review of the complaint and shall notify the Office of Equity and Compliance of complaints alleging discrimination on the basis of race, color, religion, sex, national origin, disability, or intellectual ability. The decision of the cluster assistant superintendent shall be final.

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\* This section does not apply to situations involving violations of conduct specified in the SR&R booklet. For information on the right to appeal a suspension or expulsion, see Chapter II, pages 24 through 27.

## CHAPTER II

### RULES OF CONDUCT AND DISCIPLINARY PROCEDURES

#### A. Acts for Which Students May Be Disciplined

Students may be disciplined by school officials, to include suspension, expulsion, and exclusion from school and all school-sponsored activities, for prohibited conduct occurring on school property, while engaged in or attending a school-sponsored activity, or which affects students going to or returning from school, including on a school bus or at a school bus stop. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the interest of the school, adversely affects school discipline, and/or results in a criminal charge or conviction.

If a student has been suspended for ten days or less (short-term suspension), the days of absence shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate follow-up activities designated by the principal (including submission of homework assignments).

Violation of any law of the county, state, or nation; regulation of the school or school system; or policy of the School Board is subject to disciplinary action.

A school principal may impose a short-term suspension and recommend a long-term suspension and/or expulsion in any situation involving prohibited conduct.

Prohibited conduct encompasses any behavior incompatible with a K-12 educational environment and good citizenship and includes but is not limited to the following: assault; disruptive or inappropriate behavior; alcohol, tobacco, and other drug violations; property violations; and weapons violations. The violations listed herein are examples of prohibited conduct.

Acts for which students may be disciplined include, but are not limited to:

##### 1. Assault

The following violations shall result in disciplinary action and may require mandatory sanctions:

- a. Threatening or physically assaulting another student or any other person (other than a staff member) who has reason to be at school, whether or not causing injury, **shall result in disciplinary measures up to and including a ten-day suspension and a recommendation for expulsion.**
- b. Threatening to assault or physically assaulting a school staff member, as defined in the current version of Regulation 4411, **shall result in suspension from school for up to ten days, and the principal may recommend expulsion.** In the event of injury to the staff member, **expulsion shall be recommended.**

- c. Sexual assault or battery upon any person **shall result in a ten-day suspension from school and recommendation for expulsion.** Improper touching **shall result in disciplinary measures up to and including a ten-day suspension and a recommendation for expulsion.**
- d. Any collection or group of students assembled with the intention of committing an assault constitutes a mob. Each and every student who is part of a mob shall be held directly responsible for any assault committed by one or more members of the group. Any involvement in a mob assault by any student **shall result in a ten-day suspension and a recommendation for expulsion.**
- e. Hazing or otherwise mistreating another student by recklessly or intentionally endangering the health or safety of, or inflicting bodily injury on, the student in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity **shall result in disciplinary measures up to and including a ten-day suspension from school and recommendation for expulsion.** A report of hazing with bodily injury **shall be made to the Commonwealth's Attorney** in accordance with Section 18.2-56 of the Code of Virginia.

## 2. Disruptive or Inappropriate Behavior

The following violations shall result in disciplinary action at the discretion of the principal:

- a. Disruption of the educational process or disobedience, insubordination, or open defiance of the authority of any teacher or staff member.
- b. Conduct, including fighting, making threats, stalking, or intimidating, including bullying, that endangers the well-being of other students or school staff members.
- c. Verbal or written use of vulgar, profane, obscene, or patently offensive language, sometimes referred to as "curse" words or profanity, or possessing or displaying visual imagery that is obscene as defined in the Code of Virginia, or engaging in indecent or lewd exposure of body parts.
- d. Cursing, gesturing, or verbally abusing any person, including but not limited to abuse or harassment based on that person's race, color, religion, gender, creed, national origin, personal or physical attributes, disability, intellectual ability, and matters pertaining to sexuality, including sexual orientation. Any student who is subjected to physical or verbal harassment including bullying should report such immediately to the appropriate school, cluster, or central office official. Any student who observes such actions should report the incident to the appropriate school, cluster, or central office official.
- e. Willful disruption of any school-sponsored activity.
- f. Use or possession of fireworks.

- g. Use or possession of matches or lighters.
- h. Forgery, cheating, plagiarism, or dishonesty, including the use of portable communication devices for such purpose.
- i. Gambling in any form.
- j. Unauthorized or illegal use of, or access to, computers, software, telecommunications, or related technologies and any willful act that causes physical, financial, or other harm or otherwise disrupts information technology.
- k. Unauthorized use or possession of a laser pointer or other laser devices. In addition to other disciplinary action, laser pointers or other laser devices are subject to confiscation by school officials.
- l. Taking part in, assisting, facilitating, or promoting gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal, disruptive, or intimidating behavior. If a student is suspected of being in a gang or has violated the provisions of this section, the principal shall notify the parent or guardian.
- m. Use of a portable communication device without express authorization from the principal (or his or her designee), possession of any such device in plain view, or possession of any such device that is turned on. As employed herein, the term "portable communication device" shall include, but not be limited to, any beeper, cell phone, or other similar device that is capable of sending and/or receiving audio, video, picture, electronic-mail, or text messages. In the event of a violation of this provision, the student shall be subject to disciplinary action hereunder, and the portable communication device used or possessed by such student **shall be subject to confiscation by school officials. Principals may elect to return the phone to the student's parent or guardian or to return the phone to the student and contact the parent or guardian.**
- n. Violation of attendance regulations.

### 3. Alcohol, Tobacco, and Other Drug Violations

School disciplinary action may be taken regardless of whether the student's age is such that his or her possession or use of alcohol, tobacco, or over-the-counter medication is permitted by law.

#### a. Tobacco Violations

The following violations shall result in disciplinary action and may require mandatory sanctions:

Possessing, smoking, or using tobacco products.

- (1) For a first violation related to tobacco products, a student **shall participate in the FCPS Tobacco Intervention Seminar** in lieu of suspension.
- (2) For a second or subsequent violation related to tobacco products, a student **shall be placed in an alternative instructional arrangement or suspended from school.**
- (3) School officials may report any such violation to the police in accordance with the Code of Virginia, Section 18.2-371.2.

**b. Nonprescription Drugs (Over-the-Counter Medications)**

The following violations may result in disciplinary action and may require mandatory sanctions:

Using or possessing any nonprescription drug not authorized as medication under the current version of Regulation 2102. Nonprescription drugs include products such as **Advil, aspirin, Coricidin, Dramamine, Nyquil, Tylenol, or their generic equivalents, caffeine pills, cough syrup, and other over-the-counter medications intended to be ingested or inhaled.** The abuse, misuse, distribution, or sharing of nonprescription drugs shall result in a suspension of a length to be determined by the principal and may result in a recommendation for expulsion.

**c. Alcohol or Inhalants**

- (1) The first violation related to using, possessing, or being under the influence of alcohol, inhalants, or nonalcoholic beer, herein referred to as prohibited substances, **shall result in suspension from school for a minimum of five days and a maximum of ten days and suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities. All alcohol use violations shall be reported to the police.** The days of absence shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate substance abuse prevention-intervention follow-up activities designated by the principal.
- (2) A second and any subsequent violation of any prohibited conduct listed in (1) above within 12 months of the prior offense **shall result in suspension from school for a minimum of ten days and suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year.** The principal may recommend an extended suspension or expulsion in any case.
- (3) A violation involving distributing or manufacturing alcohol or inhalants **shall result in suspension from school for a minimum of ten days and recommendation for expulsion.**

- (4) If the student is suspected of being under the influence of alcohol, the principal **shall notify the parent or guardian and recommend that the parent or guardian pursue appropriate intervention.** In addition, the principal may immediately administer a breath sample test to determine the alcohol content and, depending on the suspected level of illegal substance involvement, the principal will refer the student for at least one of the following activities:
- (a) Participation in the FCPS Alcohol and Other Drug (AOD) Intervention Seminar. This activity is not intended for students who have already attended the seminar or who have been disciplined for a distribution violation.
  - (b) Work with a Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist.
  - (c) Drug testing and an evaluation for substance abuse treatment. These services are provided through Fairfax County ADYS, or the parent or guardian may choose to access services through a private provider.

Staff members from either the AOD Intervention Seminar or ADYS may recommend the student for drug testing and an evaluation for substance abuse treatment.

If the student and parent or guardian fail to provide, in a timely manner, documentation evidencing satisfactory participation in the designated activities listed above, the days of absence shall be unexcused.

The principal shall immediately notify the student's parent or guardian of the disciplinary action, the conditions for readmittance (where applicable), the fact that the absences will be excused if the student and parent or guardian comply with the requirements set forth above, the fact that all prohibited substance use violations are reported to the police, and the consequences of further violations. The student and parent or guardian shall be requested to sign a statement that they have been informed of the consequences of any subsequent violations as defined in the current version of Regulation 2150.

**d. Marijuana, Imitation Marijuana, Any Controlled Substance, Including Prescription Drugs, Imitation Controlled Substances (collectively, Illegal Drugs), or Drug Paraphernalia**

- (1) The first violation for being under the influence of marijuana or any controlled substance including anabolic steroids, or for the illegal use of prescription drugs, or for possession of drug paraphernalia **shall result in suspension from school for a minimum of five days and a maximum of ten days and suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities. All illegal drug violations shall be reported to the police.** The days of absence from school shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and the parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate

substance abuse prevention-intervention activities designated by the school principal.

- (2) A second and any subsequent violation of any prohibited conduct listed in (1) above within 12 months of the prior offense **shall result in suspension from school for a minimum of ten days and suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year and recommendation for expulsion.**
- (3) Possession of a controlled substance, marijuana, an imitation controlled substance, or imitation marijuana while on school property or at a school-sponsored activity **shall result in a ten-day suspension from school and recommendation for expulsion.** However, the School Board may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. The Division Superintendent may conduct a hearing in such a case to determine whether a disciplinary action other than expulsion is appropriate. **A report shall be made to the police** and the student may be charged with a criminal offense in accordance with applicable law.
- (4) A violation involving distributing, facilitating distribution, or manufacturing a controlled substance, including anabolic steroids or prescription drugs, an imitation controlled substance, including marijuana and imitation marijuana, or drug paraphernalia, as defined in the current version of Regulation 2150, **shall result in suspension from school for a minimum of ten days and recommendation for expulsion.**
- (5) If the student is suspected of being under the influence of illegal drugs, or otherwise having violated the provisions of this section, the principal **shall notify the parent or guardian of the suspicion** and recommend that the parent or guardian pursue appropriate intervention. In addition, the principal may immediately require a drug test and evaluation for substance abuse treatment and, depending on the suspected level of illegal drug involvement, the principal will refer the student for at least one of the following activities:
  - (a) Participation in the FCPS Alcohol and Other Drug (AOD) Intervention Seminar. This activity is not intended for students who have already attended the seminar or who have been disciplined for a distribution violation.
  - (b) Work with a Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist.
  - (c) Drug testing and an evaluation for substance abuse treatment. These services are provided through Fairfax County ADYS, or the parent or guardian may choose to access services through a private provider.

Staff members from either the AOD Intervention Seminar or Fairfax County ADYS may further recommend the student for drug testing and an evaluation for substance abuse treatment.

If the student and parent or guardian fail to provide, in a timely manner, documentation evidencing satisfactory participation in the designated activities listed above, the days of absence shall be unexcused.

The principal shall immediately notify the student's parent or guardian of the suspension, the conditions for readmittance, the fact that the absences will be excused if the student and parent or guardian comply with the requirements set forth above, the fact that all illegal drug use violations are reported to the police, and the consequences of further violations. The student and parent or guardian shall be requested to sign a statement that they have been informed of the consequences of any subsequent violations as defined in the current version of Regulation 2150.

#### 4. Property Violations

**The student (or the student's parent or guardian) shall be required to reimburse the School Board for any actual loss of, breakage of, destruction of, or failure to return property owned by or under the control of the School Board, caused or committed by such student in pursuit of his or her studies.** (Code of Virginia, Section 22.1-280.4) The student will be financially responsible for any loss or damage to School Board property resulting from his or her misconduct.

The following violations shall result in disciplinary action at the discretion of the principal and may require a report to the police:

- a. Willfully causing or attempting to cause damage to or theft of any school property.
- b. Theft of, taking, or trying to take another person's property or money, whether by force, fear, or other means, including theft or attempted theft of student prescription medication.
- c. Vandalism, arson, or any threat or false threat to bomb, burn, damage, or destroy in any manner a school building, school property, or a school-sponsored activity.
- d. Unauthorized presence on school property or failure to leave promptly after being told to do so by a FCPS staff member or police officer.

#### 5. Weapons Violations

The following weapons violations shall result in disciplinary action as outlined below:

##### a. Use of Any Weapon—Mandatory Sanction and Recommendation

Unauthorized use of any weapon (including a statutory weapon or other weapon, as defined below) or any item used as a weapon on school property or at a school-

sponsored activity **shall result in a mandatory ten-day suspension with a recommendation for expulsion.**

**b. Possession of Statutory Weapon—Mandatory Sanction and Recommendation**

Possession of a statutory weapon (as defined below), on school property or at a school-sponsored activity, **shall result in a mandatory ten-day suspension with a recommendation for expulsion for a period of not less than one year.** As employed herein, the term “statutory weapon” shall mean the following:

- (1) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material.
- (2) any dirk, bowie knife, switchblade knife, ballistic knife, other knife (except a pocket knife having a folding metal blade of less than three inches), machete, razor, slingshot, spring stick, metal knucks, or blackjack.
- (3) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as nun chahka, nun chuck, nunchaku, shuriken, or fighting chain.
- (4) any disc, of whatever configuration, having at least two points or pointed blades, which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart.
- (5) any stun weapon or taser, as such terms are defined in Section 18.2-308.1 of the Code of Virginia.
- (6) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon.
- (7) a pneumatic gun, as defined in Section 15.2-915.4 of the Code of Virginia, including BB gun, paintball gun, or pellet gun.
- (8) any destructive device, as defined in Section 22.1-277.07 of the Code of Virginia, including any explosive, incendiary, or poison gas, bomb, grenade, and other devices and weapons enumerated therein.
- (9) a firearm muffler or firearm silencer.
- (10) any weapon of like kind or function as those enumerated in clauses (1) through (9) above.

**c. Possession of Other Weapons—Discretionary Sanction and Recommendation**

Possession of any other weapon (as such term is defined below), on school property or at a school-sponsored activity, may result in a suspension for a period of up to ten days and, at the discretion of the principal, may also result in a recommendation for expulsion. As employed herein, the term “other weapon” shall

mean any object of any nature (other than a statutory weapon) that can be used to threaten and/or harm another person. Examples of other weapons include but shall not be limited to: mace; pepper spray; any ammunition or knife (not otherwise included in subsection b. above); any studded accessory, studded collar, chain collar, or similar article of clothing; and any object that is designed to look like (but not to function as) a statutory weapon, such as an imitation handgun.

#### **d. Special Circumstances**

Notwithstanding the foregoing provisions, the School Board may determine, based on the facts of a particular situation, that special circumstances exist and that no disciplinary action or another disciplinary action or term of expulsion is appropriate. The Division Superintendent may conduct a hearing in such cases to determine whether a disciplinary action other than expulsion is appropriate.

### **B. Reporting to Police and Parents or Guardians of Victims of Certain Code Violations**

1. The principal **shall, in addition to taking appropriate disciplinary action, report to the police department incidents that may constitute violations of law specified in Section 22.1-279.3:1 of the Code of Virginia**, including all prohibited substance and illegal drug violations, unauthorized use or possession of any weapon or explosive device (including a hoax explosive device), arson, assault, assault and battery with bodily injury, sexual assault, stalking, bomb threats, threats against school personnel on school property or at school-sponsored activities, and theft or attempted theft of student prescription medications. Assault or assault and battery without bodily injury may be reported to the police at the discretion of the principal.

Any student who commits a reportable violation shall be required to participate in such prevention and intervention activities as may be prescribed by the Division Superintendent.

2. Material that is suspected of being marijuana or a controlled substance **shall be turned over to the police department.**
3. School resource officers (SROs) are active members of the administrative teams at their assigned schools and are permitted to stop, question, interview, and take action without contacting parents or guardians in advance.
4. The questioning of students by police officers, other than SROs, in school or on school property about alleged illegal activities shall meet the conditions as defined in the current version of Regulation 2616.
5. The **principal shall also immediately report to the parents or guardians of any minor student who is the victim or intended victim of any act listed in B.1.** that may constitute a criminal offense.

### **C. Disciplinary Procedures**

The principal may impose a short-term suspension and recommend a long-term suspension and/or expulsion in any situation involving prohibited conduct when the

principal believes such action is warranted, unless more stringent disciplinary action is mandated. The principal shall determine the appropriate disciplinary measures to be taken in each case of student misconduct or violation of any rules or regulations, except when School Board action is required, and may request the assistance of the Office of Equity and Compliance or other appropriate staff members. In disciplinary cases, all students have the right to due process and to fair procedures in determining facts and imposing penalties. Parents or guardians seeking information on the hearing process should contact the Hearings Office (571-423-1280).

The principal shall monitor each case to ensure that an appropriate intervention and a follow-up response have been made.

### **1. Interventions Without Suspension From School**

The following disciplinary measures are authorized:

- a. Admonition and counseling of the student in private concerning his or her responsibilities.
- b. After-school detention. Except in extreme cases, a student must be given advance notice of this action. All schools shall notify parents or guardians of students of after-school detention.
- c. Suspension from all student privileges (including parking, senior privileges and all other student privileges, and student activities, including teams, clubs, and all other school-sponsored activities) for a fixed period of time.
- d. Probation. Being placed on probation is notification that a student's behavior has been unacceptable and must be improved. A student may be placed on probation by the principal following a conference with the student's parent or guardian in which the terms and conditions of the probation are explained. The principal shall also notify the parent or guardian in writing when probation is imposed, including the reasons for the probation and its date of termination.
- e. Removal from class. Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:
  - (1) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
  - (2) The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing herein shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
  - (3) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.

- (4) Written notice of the student's behavior and removal from class is given to the parent or guardian by the teacher.
- f. Alternative instructional arrangement. The student may be removed from his or her regular schedule of classes and assigned to a program of study under restrictive supervision for a fixed period of time. The student shall have the opportunity to receive full credit for work performed, and the principal shall notify the parent or guardian in writing of the terms and duration of the arrangements.

Students who commit repeat offenses of a minor nature will face more stringent disciplinary action.

Students who believe that decisions made by staff members are not in their best interests may present complaints to teachers, counselors, or school administrators. For further information regarding the right to complain, see page 13.

## **2. Suspension for Ten School Days or Less (Short-Term Suspension)**

- a. The principal may suspend a student for ten days or less after giving the student oral or written notice of the charges against him or her, an explanation of the facts as known to school personnel if the student denies the charges, and an opportunity to present his or her version of what occurred.
- b. After complying with the above procedures, the principal may suspend a student and may set conditions for the ending of a suspension so long as the period of such suspension does not exceed ten days. However, a parent or guardian conference may be required prior to the student's readmission to school. A parent or guardian conference shall be required prior to readmission subsequent to a third suspension within a 12-month period. The student shall also be suspended from all student activities including teams, clubs, and all other school-sponsored activities for the duration of the suspension, at a minimum.
- c. When a student is suspended, the school shall:
  - (1) Notify the student of the right to appeal.
  - (2) Make a reasonable effort to notify the student's parent or guardian of the suspension, inform the parent or guardian that a copy of the rules governing suspensions and the procedures for appeal is being sent home with the student, and make arrangements for the student's return home.
  - (3) Send written notification, by the end of the school day when possible, to the parent or guardian or arrange for notification to be hand-delivered to him or her by the end of the next school day, informing him or her of the suspension, the reasons for the action, the length of the suspension, the right to appeal, the student's right to return to school at the end of the suspension, and any conditions for that return (such as a reentry conference or other requirement). The information provided shall include a copy of the rules governing suspensions and notice of the right to appeal (current version of Regulation

2610) and information regarding the availability of community-based education programs or other educational options.

- d. The decision to suspend a student for ten days or less may be appealed to the principal by the student's parent or guardian or by the student if he or she is 18 or older.
- (1) If the principal upholds the decision to suspend and the parent or guardian wants to continue the appeal process, then the appeal is forwarded to the Hearings Office.
  - (2) Upon receipt of written notification from the principal that the suspension has been upheld, the parent or guardian shall within two days notify the principal and the Hearings Office in writing of the appeal, stating specifically why the suspension should be reversed or modified.
  - (3) When notified of an appeal by the parent or guardian, the principal shall reinstate the student in school until the appeal has been decided by a hearing officer except under one of the following conditions:
    - (a) The principal determines that the reinstatement of the student would pose a danger to persons or property or an ongoing threat of disruption of the school's educational program.
    - (b) The ten-day suspension is pursuant to a recommendation for a long-term suspension or expulsion, in which case, the student's suspension shall be extended until the decision to expel has been determined.
  - (4) After receiving a written request for an appeal from the parent or guardian, a hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the record of the student's behavior. Should a hearing take place, a hearing will be promptly scheduled with the parent or guardian at a mutually agreeable time and place for a hearing on the appeal or, failing that, shall notify the parent or guardian in writing at least two days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures of the hearing. **The student may be represented at the hearing by only parents or other adults legally responsible for the student and one additional adult** who may be legal counsel, a member of the clergy, a social worker, etc. The hearing shall be conducted by a hearing officer. The hearing shall be closed to the public and may include the presentation of evidence, testimony, and cross-examination of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means.
  - (5) Following an appeal, a hearing officer shall promptly notify the parent or guardian and the principal in writing of the decision and the basis for the decision. If the suspension is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion. If a hearing officer upholds the suspension, the suspension shall be imposed, and such decision shall be final.

- (6) In cases of appeal when the student has not been reinstated in school during the period when the appeal is being reviewed by a hearing officer, the student shall be reinstated in school after ten days of suspension if the appeal has not been decided by a hearing officer.

e. **Emergency Suspension**

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be summarily removed from school immediately and the notice, explanation of facts, and opportunity to present his or her version required under "Suspension for Ten Days or Less (Short-Term Suspension)" shall be given as soon as practicable thereafter.

**3. Records Review and Placement in Alternative Education**

**a. Records Review**

The cluster assistant superintendent, or his or her designee, shall monitor and evaluate the frequency, duration, and reasons for student suspensions. If within a 12-month period a student has a pattern of misconduct that has resulted in repetitive suspensions, a principal may request a records review by the director, psychology and preventive services, or his or her designee.

As part of the records review, the principal must describe what actions were taken in previous suspensions, the nature of the present misconduct, and the measures taken to help the student through the use of positive behavioral supports. The director, psychology and preventive services, or his or her designee shall develop with the principal and the parent or guardian an action plan that the principal, the parent or guardian, and the student may take to resolve the continuing problem. A formal probationary stipulation may be provided specifying expectations for the student's conduct on return to school.

In the event of violations of the probation, other than those warranting a recommendation for expulsion, the principal may request placement in an alternative education program.

**b. Placement in Alternative Education**

The principal may initiate a referral of a student to an alternative education program by submitting a copy of a records review packet and/or an adult or alternative student placement form to the director, alternative school programs. However, nothing herein shall preclude a principal or other staff member from initiating a referral to an alternative education program at any time. The director, alternative school programs, will determine the availability of an appropriate alternative school program and arrange for enrollment of the student.

**4. Suspension for More Than Ten School Days (Long-Term Suspension)**

The principal may recommend to the Division Superintendent that a student be suspended for more than ten days. The Division Superintendent may authorize such

suspension after the student and the parent or guardian have been provided written notice of the proposed action and the reasons therefor and of the right to a hearing before the Division Superintendent, if requested in writing within two days of receipt of the notification. When a student, who has been suspended for ten days, is also recommended for a long-term suspension and/or expulsion, the student may not attend school or be on any school property while the student's appeal is pending, except as specifically permitted by the Division Superintendent or the School Board.

- a. When the Division Superintendent receives a request for a hearing, he or she shall promptly schedule with the parent or guardian a mutually agreeable time and place for the hearing or, failing that, shall notify the parent or guardian in writing at least two days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures. **The student may be represented at the hearing by only parents or other adults legally responsible for the student and one additional adult** who may be legal counsel, a member of the clergy, a social worker, etc. The hearing shall be conducted by the Division Superintendent, shall be closed to the public, and may include the presentation of evidence, testimony, and cross-examination of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means.
- b. When a student is the subject of a recommendation for both long-term suspension and expulsion, the Division Superintendent will consider all possible sanctions in the same hearing.
- c. Following the hearing, the Division Superintendent shall promptly notify the parent or guardian and the principal of the decision and the basis for the decision, noting the parent's or guardian's right to appeal in writing to the full School Board. Appeals to the full School Board shall be conducted in accordance with the procedures established in the current version of Policy 2611.
- d. If the decision to extend the suspension is in conjunction with a recommendation for expulsion, an appeal on the extension will be considered by the School Board as part of the expulsion hearing.

## 5. Expulsion

Expulsion is any disciplinary action imposed by the School Board or a designated committee thereof, as provided in FCPS school policy, whereby a student is not permitted to attend school within FCPS or the regular instructional program of FCPS and is ineligible for readmission to such for 365 calendar days after the date of the expulsion. Expulsion may be imposed or rescinded only at the discretion of the School Board or a designated committee thereof. The principal shall promptly send written notice of the facts warranting a recommendation for expulsion to the Division Superintendent, the parent or guardian, and the student. The principal shall offer to meet with the student and parent or guardian, prior to a hearing, to explain the expulsion process and to discuss the facts leading to the recommendation. The hearing procedure is as follows:

- a. The Division Superintendent shall promptly schedule a hearing on the expulsion recommendation at a mutually agreeable time and place or, failing that, shall notify

the parent or guardian in writing at least two days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures.

- b. When a student is the subject of a recommendation for both long-term suspension and expulsion, the Division Superintendent will consider all possible sanctions in the same hearing.
- c. The expulsion recommendation is not binding on the Division Superintendent, who may implement alternative disciplinary sanctions.
- d. If the Division Superintendent upholds the principal's recommendation, he or she shall notify the clerk of the School Board and shall inform the student and the parent or guardian of such and shall send them a copy of the current version of Policy 2611.
- e. The School Board or a designated committee thereof shall conduct a hearing on the recommendation in accordance with the current version of Policy 2611.

**6. Students With Disabilities Receiving Special Education Services or Accommodations Under Section 504 of the Rehabilitation Act**

**a. Short-Term Suspension (Ten School Days or Less)**

A student with a disability, who receives special education services in accordance with an individualized education program (IEP) or who receives accommodations under Section 504 of the Rehabilitation Act, may be disciplined in the same manner as a nondisabled student where the suspension individually or in the aggregate does not exceed ten school days in a school year. For such suspensions, no inquiry need be made as to whether the student's misconduct is a manifestation of his or her disability.

**b. Long-Term Suspension (More Than Ten School Days) or Expulsion**

**(1) Special Education Services**

When a principal initiates a suspension of more than ten days, initiates a suspension that would accumulate to more than ten days in a school year, or recommends the expulsion of a student with a disability who receives special education services, he or she shall ensure that the individualized education program (IEP) team convene as soon as possible but not later than ten days after the date on which the decision to suspend or recommend expulsion was made. The IEP team shall determine, pursuant to special education procedures, whether or not the misconduct is a manifestation of the student's disability. If it is determined that the misconduct is a manifestation of the student's disability, the student may not be expelled or suspended for more than ten days. However, in the event of a weapon or drug violation, or in the event the student inflicts serious bodily injury on another, the student may be removed from his or her educational placement to an interim alternative education setting by the hearing officer for the Division Superintendent, in accordance with the recommendation of the IEP team. In other cases, the

student may be removed from his or her educational placement only through applicable special education procedures. A student may, however, be administratively reassigned to a comparable program in another school. If it is determined that the misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as are nondisabled students; however, services to allow the student to progress in the general curriculum and to advance toward achieving IEP goals must be provided.

**(2) Section 504 Accommodations**

When a principal initiates a suspension of more than ten days, initiates a suspension that would accumulate to more than ten days in a school year, or recommends the expulsion of a student with a disability who receives accommodations under Section 504 of the Rehabilitation Act, he or she shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend expulsion; except in those situations pertaining to the use or possession of illegal drugs or alcohol where the student currently is engaging in the use of illegal drugs or alcohol, then a committee is not required. The knowledgeable committee determines whether or not the misconduct has a causal relationship to the student's disability. If it is determined that the misconduct was caused directly by the disability, the student may not be expelled or suspended for more than ten days. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as non-disabled peers. The student is not entitled to receive continuing educational services during any period of suspension or expulsion. The knowledgeable committee's determination is forwarded to the hearing officer, who reviews this information in consideration of further disciplinary action.

**7. Students Suspended or Expelled From Attendance at School From Another District or a Private School**

A student who has been expelled or suspended for more than 30 days from attendance at school by another school board or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance for no more than one calendar year in the case of expulsion or withdrawal of admission, and in the case of suspension of more than 30 days, for no longer than the duration of such suspension. The school shall provide written notice to the student and his or her parent or guardian of the reasons for such possible exclusion and of the right to a hearing conducted by the Division Superintendent. The student may not attend school until a review of the case is conducted by the Division Superintendent. Exclusion shall be imposed upon a finding that the student presents a danger to the other students or staff members of the school division. The decision to exclude shall be final unless altered by the School Board after timely written petition in accordance with the procedures established in the current version of Policy 2611. Upon the expiration of the exclusion, the student may petition the Division Superintendent for admission.

## **8. Conduct Not Related to School Reassignment to an Alternative Education Program**

The Division Superintendent may require any student who has been charged with an offense relating to Virginia's laws on weapons, alcohol, drugs, or intentional injury to another person or has been found guilty or not innocent of any of the above offenses or of a crime that resulted in or could have resulted in injury to others or of a crime required by law to be reported to school officials to attend an alternative education program, including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. The Division Superintendent may impose this requirement without regard to where the crime has occurred.

The student and parent or guardian shall be provided an opportunity to participate in a hearing to be conducted by the Division Superintendent regarding such placement. Written notice to the student and the parent or guardian shall be provided if the student will be required to attend an alternative education program. The decision of the Division Superintendent shall be final unless altered by the School Board upon timely written petition by the student or the parent or guardian for a review of the record by the School Board.

## **9. Reports From Court**

Any student for whom the school division has received a report pursuant to Section 16.1-305.1 of the Code of Virginia of adjudication of delinquency or conviction of a specified crime may be suspended or expelled from school attendance in accordance with Section 22.1-277 of the Code of Virginia.

Notification is sent to the Division Superintendent by the staff of the court when a student is charged with committing specified crimes including those involving street gang activity or found in violation of certain laws, when a student is found not guilty of specific charges, or when charges against a student are dismissed, withdrawn, or reduced as required by Sections 16.1-260, 16.1-301, and 16.1-305.1 of the Code of Virginia.

## **10. Unauthorized Persons**

All visitors to a school or its grounds shall report to the main office immediately. Persons who fail to do so may be considered trespassers and subject to legal action, and student visitors who fail to do so also may be subject to disciplinary action as well as legal action. Any person whose presence or action interferes with or disrupts the operation of the school, its students, or school activities shall be prohibited from entering school or remaining on school property or remaining at a school-sponsored activity, wherever located.

## **11. Petition for Readmission**

In accordance with the current version of Policy 2611, students who are expelled and who are not permitted to return to regular school attendance or to attend, during the expulsion, an alternative education program, may petition for readmission to be

effective one year after the date of expulsion. In order to be timely, a written petition for readmission, along with a copy of the School Board's expulsion decision, must be filed with the Hearings Office no earlier than eight months, but not later than ten months, after the date of expulsion. The Hearings Office may, at the discretion of the hearing officer, hold a hearing and shall issue a decision prior to the expiration of the one-year expulsion period. An untimely petition may result in a delayed decision on readmission. When a petition for readmission is denied by the hearing officer for the Division Superintendent, the student may petition the School Board for review of such denial. The School Board's review is based on the written record. An application may be made annually in accordance with the above schedule. Notice of the right to petition for readmission, as well as any conditions, will accompany the expulsion decision.

## **12. Other Disciplinary Consequences**

A student who engages in prohibited conduct may be subject to ongoing consequences, even after the student returns to school following suspension or expulsion. Such consequences include, but are not limited to, probationary conditions, community or civic service, periodic drug testing, and restitution. School officials, at their discretion, impose various conditions and restrictions for so long as the student attends any school or program operated by or on behalf of the School Board. As a probationary student, the student is required to maintain satisfactory academic, disciplinary, and attendance records. In addition, a probationary student is required to abide by all applicable laws in the community and to comply with the terms of any court probation order. A student may be required to perform community service and to provide independent verification of performance of those services to school officials. A student whose prohibited conduct results in damage to or loss of property of another, including the School Board, may be required to reimburse the injured party.

### **Virginia High School League Eligibility**

The eligibility of any student who is reassigned to a different school following disciplinary proceedings for prohibited conduct and who wants to participate in any activity, including interscholastic athletics, governed by the Virginia High School League (VHSL) is subject to:

- a. Compliance with VHSL rules.
- b. Minimum 30-day waiting period beginning with the date on which the student began classes at the school of attendance.
- c. No participation in practices during the waiting period and no same season waivers.
- d. Approval of the principal of the school of attendance, including verification that the student is in good standing.

The student's eligibility is neither assured nor guaranteed but, rather, is dependent on positive conduct and citizenship. It is the responsibility of the student to initiate the process of securing VHSL eligibility in order to participate in VHSL activities.

For further information regarding VHSL eligibility and activities, see the VHSL web site, [www.vhsl.org](http://www.vhsl.org).

## CHAPTER III

### STUDENT ACTIVITIES

#### A. Basic Concepts

All school-sponsored activities involving students shall be conducted within the letter and spirit of rules and regulations addressing appropriate behavior. All student activities, except those exempt in regulations, shall meet the following guidelines:

1. Student activities shall be open and available to all students. Nonschool clubs, secret societies, or clubs with restrictive membership policies shall not be approved as legitimate student activities in school.
2. Students in each activity shall be required to select a faculty representative, subject to acceptance by the faculty member and approval by the principal.
3. Students and staff members shall be involved in the planning and conduct of school assemblies. The principal or his or her designee, in consultation with the student government, shall decide if attendance is to be compulsory or voluntary.
4. When establishing election procedures and qualifications for office or membership, school organizations shall observe the following rules:
  - a. No group shall discriminate against any student on the basis of race, color, sex, religion, national origin, or disability.
  - b. Academic standing may be a qualification only for honor societies. Membership requirements established by outside organizations such as the Kiwanis Club, the Young Men's and Young Women's Christian Associations, and the Virginia High School League may be followed provided no requirement permits the arbitrary exclusion of a candidate for membership by a member or members of the organization.

#### B. Student Government

In order that students may experience the responsibilities and rights of self-government and participate in the management and conduct of their affairs, a duly elected representative student government shall be established. The student government, with the approval of the principal, shall be established on a level commensurate with the maturity of the student body and, in high schools, shall determine election procedures and qualifications for student government and class office with the approval of the principal. The student government shall work to improve communication among the students, teachers, parents or guardians, and school officials. In high schools, the student government, with the concurrence of the principal and appropriate faculty members, shall be responsible for authorizing, promoting, scheduling, and operating student activities. Activities failing to meet the guidelines in Chapter III, section A., are subject to cancellation or restriction. The student government shall require all student clubs and organizations under its leadership to develop constitutions and bylaws appropriate to their operation.

School officials shall consult with the student government for student opinion on general matters of curriculum, procedures, faculty-student relations, and discipline.

**C. Student Publications**

Students are encouraged to establish school newspapers, yearbooks, literary magazines, and similar publications. The student editorial staff and faculty advisor shall establish editorial policy that promotes responsible journalism and does not violate the prohibitions on written expressions contained in section E. of Chapter I and in the current version of Regulation 2612. The principal shall ensure that the contents of school-sponsored publications do not violate the provisions of section E. in Chapter I and of the current version of Regulation 2612. In accordance with the procedures established in section F. of Chapter I, the principal's decision shall be subject to appeal.

**D. School Activity Funds**

All funds derived from local school activities such as entertainment, athletic contests, student clubs, and other events sponsored by the school are school activity funds. The principal shall be responsible for safeguarding, accounting, and auditing school activity funds in accordance with the provisions of the current version of Regulation 5810. The student government, with the advice and consent of the principal, shall be responsible for advising officers of student activities on policies and regulations governing the receiving, transferring, and expending of school activity funds.

**E. Student Advisory Councils**

The Fairfax County Student Advisory Council (SAC) shall be composed of one elected representative from each high school who shall be chosen annually from the membership of the school's delegation to the cluster SAC. The Fairfax County SAC shall elect its own officers and shall have the power to adopt bylaws necessary to fulfill its purpose.

Representatives designated by the Fairfax County SAC may express their views personally or in writing to the School Board on any subject. Each administrative cluster shall have a cluster SAC with a purpose similar to that of the Fairfax County SAC. Each cluster SAC shall be composed of an equal number of students from each high school and secondary school, chosen in accordance with the method determined by the school's student government in accordance with section A. of this chapter and subject to approval by the Fairfax County SAC.

In lieu of participation in the SAC in the middle school, each principal shall provide for a representative of the high school SAC to meet with the middle school student government to explain to middle school students the purposes and functions of the SAC and to receive ideas from them.

Legal Reference: Code of Virginia, Sections 15.2-915.4, 16.1-260, 16.1-301, 16.1-305.1, 18.2-56, 18.2-265.1, 18.2-308.1, 18.2-371.2, 18.2-372, 18.2-390, 18.2-391, 22.1-1, 22.1-254, 22.1-258, 22.1-277, 22.1-277.07, 22.1-279.3, 22.1-279.3:1, 22.1-280.4, 54.1-3400

See also the current versions of:

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| Policy 1352     | Pledge of Allegiance to the Flag   |
| Policy 1365     | Distribution of Materials  |
| Regulation 1367 | Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions |
| Regulation 2102 | First Aid, Emergency Treatment, and Administration of Medication for Students  |
| Regulation 2150 | Prevention of Alcohol and Other Drug Use by Students   |
| Regulation 2152 | Smoking and the Use of Tobacco Products by Students  |
| Regulation 2234 | Student Absences and Attendance Regulations  |
| Policy 2601     | Responsibilities and Rights of Students  |
| Regulation 2604 | Rights of Adult Students   |
| Regulation 2610 | Removal (Suspension, Expulsion, or Exclusion) of Students From School  |
| Policy 2611     | Procedures for Hearings and Appeals to School Board  |
| Regulation 2612 | Regulations and Procedures Governing Freedom of Expression by Students   |
| Policy 2613     | Student Dress Code in Public Schools   |
| Regulation 2613 | Student Dress Code in Public Schools   |
| Regulation 2616 | Questioning of Students by Police  |
| Policy 2701     | Student Personal Data  |
| Regulation 2701 | Student Personal Data  |

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| Regulation 4411 | Student Exclusion Because of Assault or Threatened Assault Against a Teacher or Other Employee   |
| Regulation 5810 | School Activity Funds Management   |
| Regulation 6410 | Appropriate Use of Fairfax County Public Schools' Network and Internet Resources   |
| Regulation 7103 | Student Transportation—Eligibility, Routes, and Schedules  |
| Web Sites       | <a href="http://www.fcps.edu/Directives/">http://www.fcps.edu/Directives/</a><br><a href="http://www.fcps.edu/DHR/oec/relguide.htm">http://www.fcps.edu/DHR/oec/relguide.htm</a><br><a href="http://www.vhsl.org">www.vhsl.org</a> |

**Glossary of SR&R Terms**

Bullying Physical or psychological harassment on the part of one or more students toward another.

Controlled Substances Drugs or substances found in the Drug Control Act (Section 54.1-3400 of the Code of Virginia), including all prescription medications, regardless of whether the medication is considered to be a controlled substance under federal law. For student disciplinary purposes, controlled substances include but are not limited to cocaine, hallucinogens such as MDMA (ecstasy), and the actual and any generic formulations of: Adderall, Codeine, Oxycontin, Percocet, Ritalin, Valium, Vicodin, Zoloft, and any other prescription medications for pain, depression, hyperactivity, or attention deficit disorders.

Day Means a school day unless the context requires otherwise.

Distributing or Distribution Includes, without limitation, giving, sharing, or selling, or intending or attempting to do so, as well as facilitating any of the above.

Division Superintendent The Division Superintendent or his or her designee (i.e., cluster assistant superintendent, hearing officer, or assistant superintendent or any other administrative staff member authorized to act in that capacity).

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

Gang A group of two or more persons, whether formal or informal, and however identified, which individually or collectively engage in activities that are illegal, destructive, disruptive, or intimidating. Such does include, but is not limited to, a criminal street gang. The group may, but need not necessarily, have an identifiable name, sign, symbol, or colors.

Hazing Recklessly or intentionally endangering the health or safety of a student or inflicting bodily injury on a student in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student so endangered or injured participated voluntarily in the relevant activity. The Code of Virginia prohibits hazing and

imposes criminal penalties. (Code of Virginia, Section 18.2-56)

Imitation Controlled Substance

A drug or substance in which the substance or container bears the name, markings, or likeness to, or is represented to be, a controlled substance or prescription drug.

Inhalant

Any substance that gives off vapors or fumes and that is inhaled for a high.

Long-Term Suspension

Disciplinary action that denies school attendance for more than ten days but less than 365 calendar days.

Marijuana

Any part of the cannabis plant, whether growing or not, its seeds, resin or residue, or any extract and any of its various forms.

Nonprescription  
(Over-the-Counter Medication)

Any medication that can be obtained legally without a doctor's prescription.

Paraphernalia

All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance. (Code of Virginia, Section 18.2-265.1)

Parent

Student's parent(s), legal guardian(s), or other adult acting *in loco parentis* to the student.

Possession

The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.

Prescription Medication

Any medication that requires a doctor's prescription.

Principal

The principal, any assistant principal, or, in their absence, the designated teacher in charge.

School Day

Any day school is in session.

Short-Term Suspension

Disciplinary action that denies school attendance for a period not to exceed ten days.

School Board

The Fairfax County School Board or a designated committee thereof.

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| School Property | Any property owned, leased, or used by the School Board, including any vehicle operated by or on behalf of the School Board, such as school buses, cars, and vans.   |
| Stalking        | To engage in conduct, on more than one occasion, that is directed at another person and which the actor intends, knows, or reasonably should know, places that other person in fear of death, criminal sexual assault, or bodily injury to such other person or to someone in that other person's family or household. |
| Threat          | Any threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether any actual or prospective victim is aware thereof, existing in any fashion, whether orally, visually, in writing, or electronically.  |
| Weapon          | Any item so defined in the text of this regulation. Nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.   |

## Acceptable Use Policy for Student Network Access

The information systems and Internet access available through FCPS are available to support learning, enhance instruction, and support school business practices.

FCPS information systems are operated for the mutual benefit of all users. The use of the FCPS network is a privilege, not a right. Users should not do, or attempt to do, anything that might disrupt the operation of the network or equipment and/or interfere with the learning of other students or work of other FCPS employees. The FCPS network is connected to the Internet, a network of networks, which enables people to interact with millions of networks and computers. All access to the FCPS network shall be preapproved by the principal or program manager. The school or office may restrict or terminate any user's access, without prior notice, if such action is deemed necessary to maintain computing availability and security for other users of the systems. Other disciplinary action may be imposed as stated in the Fairfax County Public Schools *Student Responsibilities and Rights* (SR&R) document. FCPS implements Internet filtering on all FCPS sites in accordance with the federal Children's Internet Protection Act. Schools will continually educate students on personal safety practices and effective techniques for identifying and evaluating information and its sources.

### Respect for Others

Users should respect the rights of others using the FCPS network by:

- Using assigned workstations as directed by the teacher.
- Being considerate when using scarce resources.
- Always logging off workstations after finishing work.
- Not deliberately attempting to disrupt system performance or interfere with the work of other users.
- Leaving equipment and room in good condition for the next user or class.

### Ethical Conduct for Users

Accounts on the FCPS network, both school-based and central, are considered private, although absolute security of any data cannot be guaranteed. It is the responsibility of the user to:

- Use only his or her account or password. It is a violation to give access to an account to any other user.
- Recognize and honor the intellectual property of others; comply with legal restrictions regarding plagiarism and the use and citation of information resources.
- Not read, modify, or remove files owned by other users.
- Restrict the use of the FCPS network and resources to the mission or function of the school system. The use of the FCPS network for personal use or for private gain is prohibited.
- Help maintain the integrity of the school information system. Deliberate tampering or experimentation is not allowed; this includes the use of FCPS network and resources to illicitly access, tamper with, or experiment with systems outside FCPS.

- Refrain from using offensive, obscene, or harassing language when using FCPS network systems.
- Abstain from accessing, changing, or deleting files belonging to others.

### **Respect for Property**

The only software, other than students' projects, to be used on school computers or the school network are those products that the school may legally use. Copying copyrighted software without full compliance with terms of a preauthorized license agreement is a serious federal offense and will not be tolerated. Modifying any copyrighted software or borrowing software is not permitted.

- Do not modify or rearrange keyboards, individual key caps, monitors, printers, or any other peripheral equipment.
- Report equipment problems immediately to teacher or program manager.
- Leave workstations and peripherals in their designated places.

### **Internet Safety and Security**

- Information may not be posted if it: violates the privacy of others, jeopardizes the health and safety of students, is obscene or libelous, causes disruption of school activities, plagiarizes the work of others, is a commercial advertisement, or is not approved by the principal or program manager.
- Real-time messaging and online chat may only be used with the permission of the teacher or program manager.
- Students are not to reveal personal information (last name, home address, phone number) in correspondence with unknown parties.
- Users exercising their privilege to use the Internet as an educational resource shall accept the responsibility for all materials they seek.
- Users are responsible for reporting any inappropriate materials they receive.
- Users are prohibited from accessing portions of the Internet that do not promote the instructional mission of FCPS.
- All student-produced web pages are subject to approval and ongoing review by responsible teachers and/or principals. All web pages should reflect the mission and character of the school.
- Users are prohibited from viewing, sending, and accessing illegal material.
- Students have the responsibility to cite and credit all Internet material used.
- Students are prohibited from downloading inappropriate or illegal material on FCPS computers.

Related Document: The current version of Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources.

## Standards of Conduct for Pupils Riding School Buses

Please read Standards of Conduct for Pupils Riding School Buses with your child. It is important that you and your child understand the standards covering appropriate conduct while riding a Fairfax County Public Schools (FCPS) bus **whether for regular home-to-school service or for other activities.**

**SIGN THE PARENT OR GUARDIAN AND STUDENT SIGNATURE SHEET LOCATED IN THE FRONT OF THIS BOOKLET AND RETURN TO THE PRINCIPAL**, who will retain it on file. If a student is unable to read these instructions, the parent's or guardian's signature will indicate that this regulation has been explained to the student.

### GENERAL

The current version of FCPS Regulation 7103 provides that daily bus service shall be provided for all elementary pupils living in excess of one mile from school and for middle and high school pupils living in excess of one and one-half miles from school. Consult the following regulations for further information and requirements:

- (1) The current version of Regulation 2601 regarding student responsibilities and rights.
- (2) The current version of Regulation 7103 regarding the provision of transportation for pupils enrolled in designed special education programs.

### STANDARDS

Acceptable classroom standards of conduct shall be expected of bus passengers, and drivers shall ensure that pupils observe regulations at all times. Students shall not be allowed to smoke, yell, scream, swear, push, fight, or take advantage of smaller children; extend hands, arms, or heads from bus windows; carry on the bus any drugs, weapons, water pistols, live reptiles, animals, insects, or oversized items (including school instruments) that would block an aisle, cause loss of passenger seat space, obstruct the driver's view, or create a safety hazard.

### DISCIPLINE

A driver may recommend suspension of bus transportation for a pupil who will not heed the driver's warning as to behavior. The principal shall take final action in such cases. During a period of suspension, the School Board shall not be responsible for transporting the pupil to school. A driver may not remove a child from the bus or refuse transportation to a child on a bus without proper authorization by the principal, except in cases in which the safety of pupils is jeopardized. The principal shall be notified of such extreme cases immediately. Drivers shall report all disciplinary cases to school principals on form TR-12. Vandalism of the bus may be cause for disciplinary action. Video camera and audio recorder may be in use.

### MEETING THE BUS

#### Pupils Must:

- Be at their bus stops at least five minutes before the regular pickup time, but no earlier than ten minutes before the pickup time. Remain at the stops until buses arrive. Be picked up and released at their designated (assigned) bus stops.

- Demonstrate appropriate behavior at the bus stops including proper care for private property at that location.
- Not stand on the traveled portion of the roadway or parking lot while waiting for the bus or engage in play or other activities that will endanger themselves or their companions while waiting beside the road.
- Not run alongside a moving bus. Wait to cross a traveled portion of the roadway, to board a bus, until the bus is stopped and other vehicles approaching or following the bus have stopped. **The bus driver or patrol will signal students to cross a roadway when it is safe to do so.**
- Report any illness or injury sustained on or around the bus immediately to the driver.
- Follow the directions of safety patrols who are assigned to a bus stop or a bus. Safety patrols help bus drivers and work under the direction of the school sponsor and the bus driver.

## CONDUCT ON THE BUS

### Pupils Must:

- Recognize that the bus driver is the authority on the bus and obey and be courteous to him or her and fellow students.
- Go directly to a seat and remain seated unless otherwise directed by the driver.
- Not tamper with the emergency door.
- Not slap others or wave or shout at pedestrians or other vehicles.
- Not throw objects about the bus or from a window (or throw objects at the bus from outside).
- Carry onto bus only **unbreakable** objects that can be safely held in pupil's lap.
- Not share, sell, or consume food or beverages.
- **Have cell phones turned off.**
- Have written request from parents or guardians, subject to approval of school principal, to go home on an alternate route.

## LEAVING THE BUS

### Pupils Must:

- Remain seated until bus comes to a full stop.
- Exit bus in an orderly manner.
- Leave bus stop area only when safety permits, i.e., when crossing a roadway, cross at a distance of approximately ten feet from the front of the bus *after* the driver signals it is safe to do so.

Parents or guardians are encouraged to walk with students to and from bus stops or school. Special education students in designated programs, Head Start students, and midday kindergarten students must be met at the bus by responsible adults.



# Code of Virginia

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Current version of the Code of Virginia § 22.1-254 Compulsory School Attendance

Every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

For additional details on the Virginia Compulsory School Attendance Law, refer to section 22.1-254 of the Code of Virginia.

**Note: The official and current version of this regulation is available through the FCPS web site, which includes any changes that may be made between printings. Document copies of this regulation may be obtained, upon request, through the principal's office of any Fairfax County public school or at any public library in Fairfax County in accordance with library procedures.**

No student, employee, or applicant for employment in Fairfax County Public Schools shall, on the basis of race, color, sex, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity. Compliance is coordinated by:

the director, Office of Design and Construction Services (703-246-3632), when it concerns access to facilities located at 10640 Page Avenue, Suite 300, Fairfax, Virginia 22030.

the director, Office of Equity and Compliance (571-423-3050), when it concerns human resources matters and some student issues located at 8115 Gatehouse Road, Falls Church, Virginia 22042.

the coordinator, Monitoring and Compliance Section (571-423-4210), when it concerns programs and activities for students with disabilities located at 8115 Gatehouse Road, Falls Church, Virginia 22042.

Correspondence may be addressed to the above offices in care of Fairfax County Public Schools.

Additional copies of this booklet may be obtained by contacting the Safe and Drug-Free Youth Section, Office of Student Services, at 571-423-4270.

# NOTES



Fairfax County Public Schools  
Fairfax, Virginia  
Department of Special Services • Office of Student Services

Distributed by Safe and Drug-Free Youth Section  
571-423-4270