A GUIDE FOR FAMILIES

SR &R

Fairfax County PUBLIC SCHOOLS
ENGAGE • INSPIRE • THRIVE

STUDENT Rights & Responsibilities

Grades K-12 | 2017 -18

Navigating a **SAFE** and **REWARDING** school experience with your child!

Fairfax County PUBLIC SCHOOLS
ENGAGE • INSPIRE • THRIVE

Scott S. Brabrand, Superintendent
8115 Gatehouse Road
Falls Church, Virginia 22042

August 2017

Dear Parents:

On behalf of Fairfax County Public Schools (FCPS), I welcome you and your children to the 2017-18 school year. The education of our community's young people is essential to our county, our state, and to our nation. The employees of FCPS take this responsibility very seriously. We acknowledge that we are best able to serve all students equally well when we establish strong working relationships with parents.

The 2017-18 *Student Rights and Responsibilities: A Guide for Families* was designed to convey the expectations for student behavior in our schools so that we can provide all students with a conducive learning environment. We ask that you use this document as a framework for discussing with your child these expectations so that he or she is well prepared for success when the 2017-18 school year begins. You will also find that this publication includes information that you may need throughout the school year, including contact numbers and other resources.

The current version of the *Student Rights and Responsibilities* (SR&R) can be found in the Appendix to this booklet and is also available at www.fcps.edu. It will be updated during the year, if necessary.

Required Action:

- **As required by law, please sign the Parent Signature Sheet found on the next page to acknowledge that you have received this document.**
- **Please return the signed signature sheet to your child's school by September 28, 2017.**

Thank you for working with us to create an environment where everyone is treated with respect, is encouraged to help others, and is free to learn and explore new ideas and interests. Please contact your child's teacher or principal should you have questions about this document or if we can be of assistance to you. We look forward to working in partnership with you to prepare your child for success today and, ultimately, for success in life.

Sincerely,

Scott S. Brabrand, Ed.D.
Superintendent of Schools

SSB/jb

Fairfax County PUBLIC SCHOOLS
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IMPORTANT

PARENT AND/OR GUARDIAN SIGNATURE SHEET

Please sign and return this form to your child's school by September 28, 2017.

By signing and returning this page, you acknowledge that you have received the *Student Rights & Responsibilities: A Guide for Families* for 2017-18. This booklet is required by law and contains the following:

- Standards of Student Conduct, Interventions, and Consequences as defined on pages 16-20 and in Regulation 2601.31P (Appendix D)
- Acceptable Use Policy for Student Network Access (Appendix A)
- Standards of Conduct for Students Riding School Buses (Appendix B)
- Parental Responsibility and Involvement Requirements (Appendix C)
- Compulsory School Attendance (Appendix C)
- Law Regarding Prosecution of Juveniles as Adults (Appendix C)

This form will be kept at your child's school.

The undersigned parent or guardian acknowledges receipt of all items listed above.

_____ _____

Parent or Guardian's Signature Date

To enable us to properly record that you have returned this sheet, please carefully print the information below:

_____ _____

Student's Name Student's Grade

_____

Student's Homeroom Teacher

By signing the above statement, 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 28, 2017

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Important Contact Information

Student Safety and Wellness Office	**571-423-4270**
School Counseling Services	**571-423-4420**
School Psychology Services	**571-423-4250**
School Social Work Services	**571-423-4300**
Nontraditional School Programs	**571-423-4202**
Intervention and Prevention Services	**571-423-4020**
Parent Resource Center	**703-204-3941**
Superintendent	**571-423-1010**
Hearings Office	**571-423-1280**
Office of Equity and Employee Relations	**571-423-3052**
School Safety and Security	**571-423-2000**

Regional Assistant Superintendents:

Region 1	**571-423-1110**
Region 2	**571-423-1120**
Region 3	**571-423-1130**
Region 4	**571-423-1140**
Region 5	**571-423-1150**

Emergency Numbers (available 24/7)

Merrifield/CSB Emergency Mental Health	**703-573-5679**
PRS/Crisis Link	**703-527-4077** **1-800-273-TALK (8255)**
Crisis Text	**text NEEDHELP to 85511**

Student Rights and Responsibilities
A Guide for Families

We have created the *Student Rights & Responsibilities, A Guide for Families* to assist you in your efforts to help your child understand school rules and expectations. These rules apply during school, at school-sponsored activities, and include interactions between students as they travel to and from school. Students will receive a shortened version that is appropriate for their age, and teachers will review the rules with them during the first weeks of school. We encourage you to discuss these rules and expectations with your child. For your convenience, the entire booklet, including links to referenced regulations, can be found online at www.fcps.edu/srr.

A complete copy of the regulation regarding discipline is included in the Appendix. If you have questions about any of the information, please do not hesitate to talk with your child's teacher or principal.

Your child's behavior impacts academic success and school safety. Please read this guide. Discuss it with your child.

Parents are essential partners in helping their children learn how to exhibit self-control and respect, make ethical choices, and be accountable for their actions.

This family guide is a supplementary tool intended to summarize policies, regulations, and procedures as they existed at publication and which are subject to change without notice. The Board of Education and Fairfax County Public Schools (FCPS) reserve the right to enforce changes immediately. In any dispute, the official regulation in effect at the time of an incident will govern and will supersede the language in this guide.

The current regulations and policies can be found at
https://www.fcps.edu/policies-and-regulations

The Mission

Fairfax County Public Schools inspires and empowers students to meet high academic standards, lead ethical lives, and be responsible and innovative global citizens.

Our Beliefs

- Each student is entitled to an excellent education that meets his or her individual needs.
- We thrive in a vibrant, healthful, safe, enriching, and respectful environment.
- Families play a fundamental role in their children's education.
- Our diversity is a strength that creates resilient, open, and innovative global citizens.
- High expectations inspire high performance.
- Self-motivation and personal responsibility are keys to future success.

Student Rights

The Constitution and the laws of the United States and the Commonwealth of Virginia give students many legal rights and liberties. School Board policies and regulations provide students many privileges as well, according to their ages and maturity levels. Students may exercise these rights and privileges as long as they do not interfere with the rights of others or the schools' ability to provide a safe learning environment.

FCPS students have the right to…

- ✓ ***Attend a safe, welcoming school and belong to a community that values and promotes learning.***
- ✓ ***Expect courtesy, fairness, and respect from school staff members and other students.***
- ✓ ***Expect that all property will be safe and not damaged.***
- ✓ ***Express opinions freely through speech, assembly, petition, and other lawful means.***
- ✓ ***Advocate for change in any law, policy, or regulation.***
- ✓ ***Present a complaint to teachers, counselors, or the school principal if the actions, inactions, or decisions made by a school official do not seem to be in the best interest of the student, and to expect a response.***
- ✓ ***Present a complaint to the regional assistant superintendent if not satisfied with the resolution of a complaint presented to the principal, and to expect a response.***

Students contribute to a quality learning experience by coming to class every day with a positive attitude, personal integrity, and a commitment to making good choices.

Student Responsibilities

FCPS expects students to balance expression of their *rights* with observance of their *responsibilities.* Even the youngest children can demonstrate accountability by treating others fairly and following the rules.

In FCPS, students have the responsibility to:

- ✓ ***Attend school regularly and on time, and follow assigned schedules.***
- ✓ ***Follow rules, procedures, and processes.***
- ✓ ***Dress appropriately for a K-12 educational environment.***
- ✓ ***Respect the authority of staff members.***
- ✓ ***Respect the rights and property of others.***
- ✓ ***Respect others' beliefs and differences.***
- ✓ ***Refrain from using words, images, or gestures that are obscene, violent, disruptive, or disrespectful.***
- ✓ ***Resolve disputes peacefully.***
- ✓ ***Refrain from bullying or hurting other students.***
- ✓ ***Tell school staff members about any behavior that may cause danger to anyone.***

The Rules of Student Conduct apply to students at all times:

- **In school buildings**
- **On school grounds**
- **On buses and other school vehicles**
- **At bus stops**
- **Behavior which affects students going to or returning from school**
- **At school and school-related activities both on and off school property**
- **Off school property and outside school hours if the conduct is detrimental to the school, adversely affects school discipline, or results in a criminal charge or conviction**

Important Topics to Discuss with Your Child

Helpful Information for a Successful School Experience

This section covers topics that parents and students frequently ask about. The regulations found in the appendices explain many of the items in detail.

Other information, such as dress code and cell phone use at school, is intended to help you and your child better understand expectations for conduct that will contribute to a positive, rewarding school experience.

The charts beginning on page 17 outline interventions and possible consequences by offense for elementary and secondary students.

Admission from Another School District or Private School

FCPS may postpone or refuse admission to a student who has been expelled or suspended for more than 30 days from another school district or whose private school has withdrawn admission. School officials carefully review records in order to recommend the best placement for the student.

Alcohol, Tobacco, Drugs

A healthy learning environment is free of alcohol, tobacco, drugs, inhalants, and look-alike or synthetic drugs. This includes prescription and nonprescription medications that a student is not authorized to have in school (see *Medications*). The School Board prohibits the possession, use, distribution, or sale of these substances in any form on school property. Students suspected of being under the influence are subject to breath sample or drug tests. Consequences vary according to the student's age, the nature, and number of offenses, and Fairfax County and Virginia law.

Assault, Fighting

Students who become angry or upset with anyone are encouraged to resolve conflicts peacefully. Teachers, counselors, and other school personnel can help students find civil, nonviolent ways to handle disagreements. A student who threatens to harm or physically attacks another student or staff member—or is part of a group that does this—is subject to consequences.

Attendance

Students who attend school regularly and arrive on time are more likely to perform well academically. FCPS expects students to be in school and follow their assigned schedules unless their absence is excused due to illness, a death in the family, a medical or dental appointment, or religious obligations. Parents must give the school a written explanation for any student absence or late arrival. Parents are asked to call or e-mail the school attendance line if their child will be late or miss school. If school officials do not receive notice, parents will get a call and an e-mail through the e-Notify system notifying them that their child has not arrived at school as expected. Absence or tardiness is unexcused if the parent does not inform the school in advance or supply a note when the student returns to school. Students are required to make up missed work.

Bus Conduct

FCPS bus transportation is an extension of the school day, and the same student behavior standards that apply in the classroom apply on the bus and at the bus stop. Riders are expected to respect the driver's authority, remain in their seats, keep their hands to themselves and their voices low, keep the aisles clear, and generally behave in a way that contributes to a safe, pleasant trip to and from school. A driver may report a student's misconduct to the principal for discipline, and in serious situations, bus privileges may be taken away. See *Standards of Conduct for Students Riding School Buses* for details.

Cell Phones, Laptops, Tablets, Other Portable Devices

FCPS is committed to assisting students and staff members in creating a 21st century learning environment. To support this progress, with classroom teacher approval, students may use their personal devices (smartphones, laptops, netbooks, tablets, etc.) to access the Internet and collaborate with other students during the school day. FCPS is not responsible for loss or damage of students' devices.

Cheating, Plagiarism

Honorable school citizens take credit only for work that is their own. Deliberately copying or using the work of others is considered cheating, plagiarism, or forgery. Students are prohibited from sharing work or discussing assessments with others.

Disruption

A student who willfully disturbs a class or disobeys the teacher makes it difficult for the rest of the class to stay on task and continue learning, and may put others at risk. This is also true at events such as athletic competitions and field trips. Disruptive behavior includes defying staff authority, using offensive language or gestures, making threats, and fighting. Laser devices, fireworks, matches, and lighters are also not permitted at school and other school-sponsored activities.

Dress Code

FCPS respects students' right to express themselves in the way they dress. It is important, however, that their appearance is tasteful and appropriate for a K-12 school setting.

Clothing and accessories should *not*:

- Display vulgar, discriminatory, or obscene language or images
- Promote illegal or violent conduct
- Contain threats or gang symbols
- Promote the unlawful use of weapons, alcohol, tobacco, drugs, or drug paraphernalia
- Expose cleavage, private parts, the midriff, or undergarments, and in the case of pants, the waistband should not fall below the hips
- Contain studs
- Be see-through or sexually provocative
- Include caps or other head coverings unless required for religious or medical reasons.

Expression

Students have the right to express themselves through speech, assembly, distributing literature, and other ways. They are expected to communicate their opinions in ways that do not interfere with the rights of others, cause disruption or harm, damage another's reputation, or break the law. Middle and high school students should submit materials they want to display or distribute to the student government for review.

Gambling

Gambling—betting, wagering, playing games of chance—is not allowed in the school environment.

Gang-related Activities

All FCPS students deserve to attend school without concern for their welfare or exposure to undesirable peer pressure. Staff members are alert to students whose appearance or behavior indicates they may be involved in a gang that supports intimidation or illegal activities. Signs include certain clothing, tattoos, accessories, trademarks, and suspicious group activities. Consequences are serious for students whose appearance or behavior creates a disruption or actively promotes gang affiliation.

Medications at School

To ensure that students take prescription and nonprescription (over-the-counter) medications safely, the school health room must administer the medications. The parent must bring the medication to the school health room for storage and provide documentation for administering it.

Pledge of Allegiance, One Minute of Silence

Students are expected to recite the Pledge of Allegiance and to observe one minute of silence each day, unless the student or his or her parent objects to participation in such exercises. Nonparticipating students are expected to sit quietly, or to stand silently, and to refrain from engaging in any disruptive or distracting activity. A student's decision to participate or not to participate should be respected.

Police Involvement

Under the Code of Virginia, principals must immediately report certain violations to the police. These include assault and battery that results in bodily injury, sexual assault, wounding or stalking a person, conduct that involves alcohol or drugs, threats against school personnel, and conduct involving weapons, bombs, or other explosive devices. Under these circumstances, the principal may contact the school resource officer (SRO) who may take the lead in the investigation by questioning the student and taking necessary action. If there is immediate risk of danger, the SRO will act to alleviate the risk and may question the student without advance notice to parents. The principal will contact parents as soon as possible.

Property Violations

FCPS expects students to respect school property. Damaging or threatening to damage, stealing, and vandalizing—as well as being on school property when not authorized—are subject to discipline.

Restitution

A student who damages, destroys, or steals another's property, including property owned by FCPS, is responsible for compensating the owner for the loss by restoring the property to its original condition or paying for it to be repaired or replaced.

Search, Seizure

FCPS depends on students to help keep schools safe and drug-free. School officials may conduct random inspections of lockers, desks, and other areas on school property. If they have reason to believe a student has a weapon, alcohol, drugs, stolen property, or similar evidence, they may search his or her backpack, purse, pockets, outer garments, electronic device, or vehicle parked on school property. Items that do not belong at school, or are being misused, may be taken away from the student and returned to the parent.

Student Activities

School is more meaningful and enjoyable when a student becomes involved in activities such as clubs, teams, performing groups, yearbook, drama, student government, and safety patrols. Participation in these activities is a privilege, and students who participate are expected to maintain good grades and behavior.

Student Advisory Councils

Participation in a high school Student Advisory Council gives students an opportunity to advise the School Board about issues that impact them.

Student Government

By participating in student government at their schools, students experience the rights and responsibilities of self-government and have an active role in managing school affairs. Student governments are required to operate according to established guidelines and direction from school staff. An activity that does not meet guidelines may be cancelled or restricted.

Student Records

FCPS maintains student records in accordance with federal and state laws, under carefully prescribed conditions. Parents have the right to review their children's official records, and eligible students aged 18 years or older may review their own records. Directory information—such as yearbooks, honor rolls, commencement programs, and sports statistics—may be released without parent consent.

Students Aged 18 and Older

With some exceptions, students aged 18 and older are considered adults under Virginia law. They are still subject to school rules and regulations. They may sign a declaration if they want to act in place of their parent in certain situations, such as field trips and questioning by police. Parents will continue to be contacted regarding academic performance, emergency matters, and disciplinary action.

Technology Use

FCPS' Internet network and computers allow students access to vast resources and a creative outlet to pursue writing, art, music, science, math, and many other subjects. With that opportunity comes responsibility. Students are expected to use the technology ethically, respect the privacy and work of others, leave the workstation in good condition for the next user, and generally follow established rules for safety and security. The same expectations apply to the use of student owned devices such as laptops, tablets, and smartphones. See *Acceptable Use Policy for Student Network Access* in Appendix section.

Virginia High School League Eligibility

A student earns the privilege to participate in interscholastic athletics by meeting certain standards set by the Virginia High School League, the school district, and the school. Participation is dependent on positive conduct and citizenship. Meeting the intent and spirit of League standards will prevent the athlete, the team, the school, and the community from being penalized. It is the responsibility of the student and parent to know the rules.

Visitors

Schools welcome parents and other visitors who want to know more about our programs, meet staff members, and tour the facilities. All visitors must register at the school office upon arrival and may be required to wear an identification badge. Meetings and classroom visits should be arranged in advance. People who enter school buildings without reporting to the office or who disturb or interfere with school activities will be prohibited from remaining on school property and may be reported as trespassers.

Weapons

Students are not permitted to possess any gun, knife, explosive device, ammunition, object that is capable of discharging a projectile, or other weapon on school property. This includes starter and paintball guns, blades, brass knuckles, mace, and similar devices, as well as objects that look like weapons. Consequences are strict and aligned with the Federal Gun-Free Schools Act.

Bullying

The definition of bullying according to the Virginia Department of Education is:

Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.

"Bullying" includes cyberbullying.

"Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

Some key elements of bullying are:

- Intentionally aggressive behavior designed to inflict harm
- Repetitive behavior planned into the future
- Interpersonal relationship marked by an imbalance of power

Discriminatory Harassment

Verbal, electronic, or physical action that denigrates or shows hostility toward an individual because of his or her race, color, religion, national origin, gender, disability, sexual orientation, gender identification, genetic information, or any other characteristic protected by federal and/or state law. Harassment may create an intimidating, hostile, or offensive learning environment, and/or interfere with an individual's academic performance.

Sexual Harassment

Harassment that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.

All students have the right to attend school and not fear the interruption of their education by others who intimidate, humiliate, or cause harm. FCPS has programs and activities throughout the K-12 curriculum to address bullying and harassment to include disciplinary consequences if they are required. FCPS believes that staff members, parents, and students are the key to help stop bullying and harassment when it occurs.

To learn more on how FCPS addresses bullying and harassment, contact 571-423-4270.

Interventions and Disciplinary Procedures

Principals, teachers, and parents work together to teach students what behavior is expected in school. Students learn throughout the year that caring for and helping others in the school, and working together can make school a positive place to learn, to make mistakes, and to explore new ideas. Students are taught to understand that their actions can affect another person, and that every person in the school has a responsibility to express his or her ideas and emotions in a respectful manner.

FCPS uses a Positive Behavior Approach (PBA) to teach and reinforce expected behavior. PBA uses three steps, or tiers, of support, to help students behave in school:

1. Teaching expected behaviors to all students, and recognizing and encouraging students when they are following the rules and being good citizens of the school.

2. Providing additional lessons and practice for students who do not behave as expected.

3. Working with an individual student and his or her parents and teachers to help the student learn new behaviors or new ways to express strong emotions.

Teachers and school administrators use careful judgment in determining when students need help with behavior, whether their actions violate rules, and if so, what consequences are appropriate.

The chart on the next page outlines progressive levels (A-C) of interventions and consequences along with examples of actions that may be taken at each level. In any given situation, based on the unique circumstances of a situation, the principal may utilize a different level of intervention than is indicated on the chart.

FCPS is committed to working with parents to help children develop the characteristics of responsible citizenship.

FCPS Standards of Student Conduct: Levels of Intervention and/or Consequences

Level	Options:	
A	**Classroom level interventions and consequences. If these interventions are successful, referral to the school administrator may not be necessary.**	
	Reinforcement of appropriate behavior Reminder and/or redirection Re-teach expectations and skills Warning Seat change	Teacher conference with student Guided student resolution In-class time-out and/or take a break Written reflection about incident Loss of privileges (logical connection to behavior)
	Teachers use the following interventions based on specific behavior or when the above responses have not been effective. Parent involvement is desired. If these interventions are successful, a referral to an administrator may not be necessary.	
	Confiscation of item Supervised time-out outside of classroom Phone call and/or letter to parent Teacher conference with parent Parent, student, and teacher contract Parent accompany student to school or classes	Conflict resolution with counselor Peer mediation Class or schedule change Suspension of personal device use privileges Mentoring
	When earlier interventions are not effective or behavior is extremely disruptive, the student is sent to the office. Additional school-based consequences may apply.	
	Restorative justice conference Detention Campus clean-up Alternative Instructional Arrangement (AIA) (less than 1/2 day) In-school suspension (1/2 day or more) Referral to counselor Suspension of computer or personal device privileges Threat Assessment Loss of personal device privileges Loss of parking privileges and/or car towed Suspension from school Loss of bus privileges Referral to Alcohol and Other Drug Seminar 30 day suspension from activities and sports Restricted activity	Suspension of parking privileges Referral to Tobacco Intervention Program Behavior progress report Functional behavior assessment Modification of IEP, if appropriate Suspension from bus Parent conference with administrator and teacher Referral to school psychologist and/or school social worker Referral to community-based services Community service (volunteer work as a form of restitution) In consultation with parent, referral to alternative program
B	**Discretionary – Up to referral to Division Superintendent.**	
	Records review by regional assistant superintendent Suspension from activities and sports for up to one year	Suspension for up to five days Referral to Alcohol and Other Drug Seminar Referral to Division Superintendent at principal discretion
C	**Required referral to Division Superintendent**	
	Possible suspension for up to 10 days and required referral to the Division Superintendent	

The chart on the previous page provides a range of responses typically utilized. A principal may impose a short-term suspension, request a records review by the regional assistant superintendent or make a referral to the Division Superintendent for any situation involving prohibited conduct. In addition, the specific facts and circumstances, including response to earlier interventions and the number and nature of prior violations, might alter the consequences imposed in a given case.

CONSEQUENCES FOR STUDENTS				
Offense and/or Violation		**A**	**B**	**C**
Absence – Compulsory School Attendance Code of VA 22.1-1-254 **Note:** Suspension is not permitted for truancy		●		
Alcohol	Under the influence	●	●	
	*Possession – Consumption	●	●	
	*Distribution	●	●	
Arson and/or Fire			●	
Assault… …on students			●	
…on staff	Without bodily injuries		●	
…on staff	*With bodily injuries		K-6 ●	7-12 ✸
…on others			●	
*Bomb Threat (threat assessment should be completed)			●	
Bullying			●	
Cheating		●		
Computer Misuse		●		
Cyberbullying (while on school property)			●	
Destruction of Property and/or Vandalism			●	
Disrespect (Inappropriate gestures, talking back, etc.)		●		
Disruption to Classroom, School, and/or Bus		●		
Disruptive Clothing or Appearance		●		

*Required by Code of Virginia to report to police ✸**=mandatory sanction**

CONSEQUENCES FOR STUDENTS (continued)				
Offense and/or Violation		**A**	**B**	**C**
Drugs and controlled substances	Under the influence		●	
	*Possession			✸
	*Use			✸
	*Distribution			✸
Electronic Device and/or Cell Phone Misuse		●		
Endangering the Well-being of Others			●	
*Destructive and/or Explosive Devices				✸
Extortion			●	
False Fire Alarm			●	
False Information and/or Accusations		●		
Fighting			●	
Fireworks and/or Matches		●		
Forgery		●		
Gambling		●		
Gang-related Activity			●	
Hazing			●	
Harassment or Intimidation Based on Disability, Race, Religion, Sex, etc.			●	
Inappropriate Language		●		
Improper Touching and/or Sexual Activity			●	
Inciting or Participating in a School Disturbance			●	
Insubordination		●		
Leaving an Area and/or Leaving Class and/or School Grounds Without Permission		●		

*Required by Code of Virginia to report to police ✸**=mandatory sanction**

CONSEQUENCES FOR STUDENTS (continued)					
Offense and/or Violation			**A**	**B**	**C**
Mob Assault				●	
Plagiarism (May fail or receive a zero credit for assignment or course)			●		
*Sexual Assault				K-6 ●	7-12 ✸
Sexual Harassment				●	
Stealing and/or Theft				●	
Tardiness			●		
*Threats on Staff (threat assessment should be completed)				●	
Tobacco 1st time	All grade levels	in-school intervention program	●		
Trespassing			●		
*Weapons-statutory and Switchblade, Machete, Knife with Blade Longer than 3 inches					✸
*Use of Weapons to Intimidate, Endanger, or to Cause Injury					✸
Weapons, possession-other				●	

*Required by Code of Virginia to report to police ✸**=mandatory sanction**

Disciplinary Procedures

The school principal determines appropriate responses to most forms of misconduct and will work with you and your child's teacher to determine what interventions might be needed to help ensure the problem behavior does not happen again.

In chronic or very serious situations, such as bringing a gun or drugs to school, the principal submits a referral to the Division Superintendent. The principal also includes information about the student's past grades, attendance, behavior, and information provided by teachers, counselors, and others who know the student. By law, certain types of behavior are strictly prohibited and require that the principal make a referral to the Division Superintendent who will determine if additional disciplinary consequences should be imposed. However, the Division Superintendent may determine that there are special circumstances which indicate that a different consequence is appropriate.

The following procedures apply when a student is involved in serious misconduct which may result in a suspension up to 10 days, with a referral to the Division Superintendent:

- The principal will take action to stop the incident, including calling the police or school resource officer (SRO) when necessary to ensure student and staff safety.
- Students will have a chance to talk with the principal or an assistant principal about what happened. The SRO is not present while the principal speaks to students, unless there is a safety concern.
- When the principal has reason to believe a student has engaged in misconduct that may result in a referral to the Division Superintendent, the principal will attempt to notify the parents as soon as practical.
- After attempting to notify the parents, the principal may ask the student to write down what happened in his or her own words. The student will be told that he or she does not have to write this statement.
- If the principal is not required by law to immediately notify the police, but believes a law may have been broken, he or she will attempt to notify parents before calling the SRO or the police.
- If the behavior involves a possible felony or violent misdemeanor, the police or SRO may take the lead in investigating the incident and speaking to students. The principal will attempt to notify the parents when this occurs.
- An SRO may be called to conduct a search or take away contraband.
- The principal will give parents information to help them understand the nature of the offense and the discipline process.
- Students and parents who disagree with staff decisions may present complaints to teachers, counselors, school administrators, and the regional assistant superintendent.
- Parents may appeal all disciplinary decisions that would cause the student to be kept out of school.

Full information about each of the following procedures is found in Regulation 2601.31P, located in the Appendix.

Alternative Education Programs

A student may be referred to a nontraditional FCPS program that provides intensive support if the student has a history of truancy, disruptive behavior, or repeated academic failure. These programs help students set their own goals and provide a range of academic supports, counseling, behavior management, and related services. The student and parents have the opportunity to tour the programs and talk with staff members about the alternative learning choices available. If the student has significant mental health or substance abuse problems, the principal may also give parents information about appropriate programs offered in the community where school services are also available. A teacher, the counselor, or principal may recommend that you consider an alternative program, and will help make the referral for voluntary placement if you agree.

Expulsion

Students who bring certain weapons or illegal drugs to school, must be expelled, under Virginia law, unless special circumstances are found. Principals may also refer students to the Division Superintendent for other serious violations. Before a student can be expelled, the parents and student have a right to participate in hearings before the Division Superintendent and the School Board, where it is determined whether there are special circumstances and whether a different consequence might be more appropriate. If expelled, a student is not permitted to attend any school in FCPS for 365 calendar days, unless the School Board permits the student to attend an alternative educational setting during the expulsion. Expelled students may petition for readmission after one year.

Interventions Without Suspension from School

FCPS officials work to help each student understand school rules and how his or her misconduct may affect others. In most situations, teachers and administrators first use interventions that take place at school, before considering out-of-school suspension. These interventions may include:

- Private admonition and counseling by the teacher
- Counseling by another member of the staff
- Re-teaching
- Restorative justice conference
- Peer mediation
- Behavior contract
- After-school detention
- Revoking privileges such as parking, senior privileges, teams, clubs, and other school-sponsored activities
- Removal from class.

Referral to the Division Superintendent

When a student commits a serious violation, the principal may submit a referral to the Division Superintendent to determine whether the student will remain at his or her school, be long-term suspended, reassigned to a different school or program, or recommended to the School Board for expulsion. When a referral to the Division Superintendent is made, the parents and student have a right to participate in a hearing before the Division Superintendent's hearing officers, who will determine the disciplinary outcome.

When a student is suspended from school pending his or her hearing, the student is assigned a teacher who will act as a case manager to help the student stay on track with assignments. Other direct support may also be provided.

Reassignment

A student who commits serious and/or repeated school-related offenses, or who is charged with certain serious crimes related to an alleged community-based incident may be reassigned to a different school or program, including to an alternative educational setting. Before a student can be reassigned, the parents and student have a right to participate in a hearing before the Division Superintendent's hearing officers, who will determine the disciplinary outcome. Parents may appeal hearing officer's reassignment decision to the School Board, which will review the appeal on the written record.

Suspension from School

A principal may remove a student from school for up to ten days (short-term suspension) or recommend to the Division Superintendent that the student be removed for more than ten days (long-term suspension), when a student violates school rules. During suspension from school, the student may not participate in teams, clubs, and other school-sponsored activities, and may also be required to attend an intervention seminar. The student will be assigned work to be completed. The parent will be asked to come to school and get the assignments, or to make arrangements for another student to pick up the work. Completed assignments should be returned to school for grading. A staff member may call to see how the student is doing.

A student whose presence poses a continuing danger or disruption may be removed from school immediately. The student and parent will receive notice and have an opportunity to respond as soon as possible.

Additional Consequences

A student who has been suspended or referred to the Division Superintendent may have ongoing consequences when he or she returns to school. Probationary conditions, community service, drug testing, and restitution are among the measures designed to provide an opportunity for the student to demonstrate that he or she is taking positive steps as a returning member of the school community.

Parents: Steps for Resolving Concerns

If you wish to express concern or disagreement with a decision or action taken by school officials, it is important to first talk with school personnel who are closest to the issue. Parents most often find that problems can be resolved satisfactorily by discussing the matter with the teacher, counselor, or principal.

Any concerns about actions or decisions of a teacher or other school personnel should first be discussed with the school principal.

Procedures for how parents can address concerns when they are not satisfied with the principal's response vary with the type of concern:

- Discipline: Please refer to Appendix D, page 23 for information on how to appeal a decision to suspend, and page 25 for information on how to petition the School Board to alter a decision to reassign a student to an alternative program. See regulation 2611 for additional information

- Complaints regarding actions of teachers or other school personnel; student records; or decisions regarding right of expression, right to display or distribute literature: These complaints should be directed to the appropriate regional assistant superintendent. Phone numbers can be found on page 6.

- Complaints regarding barriers to equal opportunity: Please contact the director of the Office of Equity and Employee Relations 571-423-3052.

- Complaints about procedures, programs, or services for students with disabilities should be directed to the coordinator of the Office of Due Process and Eligibility at 571-423-4470.

Guidance for Parents of Students with Disabilities

Regarding Virginia Regulations Related to Student Discipline

Prevention and Early Intervention

FCPS understands that some students who have an individual education program (IEP) and receive special education support can sometimes face special challenges understanding and observing rules of acceptable behavior. If you see your child is struggling with behavior in school, or you are getting reports of problems from the teacher, ask for a parent-teacher conference and talk about what resources might be available to address your concerns. Also, consider:

- Meeting with the school counselor, psychologist, or social worker.
- Meeting with the school team that monitors student behavior and success.
- Contacting the FCPS Parent Resource Center for books, videos, and presentations that might be helpful.
- Contacting the FCPS Office of Intervention and Prevention Services.

Functional Behavior Assessment and Behavior Intervention Plan

When the behavior is interfering with your child's learning or that of others, you or the teacher may ask to schedule an IEP meeting. A school psychologist or behavior intervention teacher may also be asked to participate. The IEP team will discuss the behavior and, working with you, may decide:

- To add goals and services specifically to address the behavior, or
- To do a special evaluation called a functional behavior assessment (FBA) and develop a behavior intervention plan (BIP)
    - FBA: Observations are used to determine when the behavior happens, what else is going on in the room or with other children or adults when it happens, and what seems to increase the chance that it will happen again.
    - BIP: Using this information, the team develops the plan to reduce the problem behavior and replace it with a positive behavior.

Discipline of Students with an IEP

Students with disabilities may be disciplined in the same ways as students without disabilities in most situations. However, some special considerations do apply:

- Any accommodations that might be needed for the student to write a statement will be provided if the student wishes to write down what happened.
- Before deciding to suspend a student or make a referral to the Division Superintendent, the principal shall consult with the student's case manager or another member of the IEP team, review the student's IEP –including any BIP–and take into consideration any special circumstances.

A student with a disability may be suspended for up to 10 days in a school year under the same rules that apply to all students.

Manifestation Determination Review

If a student who receives special education services is suspended for 10 or more days in a school year, FCPS must continue to provide services that enable the student to continue to work in the general education curriculum and progress toward meeting his or her IEP goals. This may be done through home-based services or another arrangement agreed to by the IEP team. In addition, a manifestation determination review (MDR) must be held as soon as possible, but no later than the 10th day of suspension.

In the event a student with an IEP is referred to the Division Superintendent, the findings of the MDR are sent to the Division Superintendent for consideration before the hearing is held. The MDR team includes the parent and other relevant members of the IEP team, as determined by the parent and the school. The team meets to review the behavior, information about the student's disability, current IEP, any recent assessments, observations, and other information shared by parents or the school. The team must determine the answers to two questions:

- The conduct was caused by, or had a direct and substantial relationship to, the student's disability, or
- The conduct was a direct result of the failure to implement the IEP.

If the MDR team answers "yes" to either of the two questions above, the finding is "causal." If the answer to both questions is "no" then the finding is "non-causal." The findings are sent to the Division Superintendent and are reviewed as part of the hearings process.

- **Causal Finding:** If the MDR team finds that the behavior was caused by, or had a direct relationship to, the disability or that the conduct was a result of a failure to implement the IEP, then the student will be returned to the same or equivalent educational program from which he or she was removed, unless the parents and school officials agree to a change in placement.

    - The student may be returned to the same school he or she had been attending, or may be placed in another school where the same services are available.
    - In rare circumstances, and only in cases involving drugs, weapons, or serious bodily injury, the Division Superintendent may assign the student to an interim alternative setting for 45 days without the consent of the parent, pending the outcome of the disciplinary process, in accordance with 8VAC20-81-160 C.5.
    - The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted, or update the existing FBA. Based on the information in the FBA, the IEP team will develop or update a BIP.

- **Non-Causal Finding:** If the MDR team determines the misconduct is *not* a manifestation of student's disability, school officials may consider further discipline in the same manner and for the same duration as for non-disabled students. *However,* special education services must be provided during the period of suspension and/or expulsion to enable the student to continue to participate in the general education curriculum and progress toward meeting his or her IEP goals.

Special Education Due Process

Parents who disagree with a change in special education placement or the MDR team's conclusions may request a local administrative review within FCPS. The parents may also request an expedited due process hearing through the Virginia Department of Education according to the VDOE Special Education Procedural Safeguards Requirements.

Protections for Students Not Currently Eligible for Special Education

At times, a student may not be receiving special education services at the time of the incident but may be eligible for protections given to students with disabilities *if* the school knew the student might be eligible for special education before the incident occurred. The school is considered to have known the student might be eligible if:

- The parents expressed concern in writing to the teacher or a supervisor that the student might need special education services, or
- The parents requested the student be evaluated for eligibility for special education and related services, or
- The student's teacher or other school personnel expressed directly to the special education department chair or the chair's FCPS supervisor specific concerns about a pattern of behavior demonstrated by the student.

There are two important exceptions to the above. A student will not receive protections for students with disabilities if:

- The parents refused consent to have the student evaluated or refused services, or
- The student was evaluated and determined not to have a disability.

Protections for Students Covered by Section 504 Plans

When a principal suspends a student who has a 504 plan for more than 10 days in a school year or refers the student to the Division Superintendent, the school will convene a knowledgeable committee as soon as possible but no later than 10 days after the decision to suspend or refer to the Division Superintendent. In the event of a referral to the Division Superintendent, the results of the meeting are forwarded to the Division Superintendent for consideration at the hearing.

If this committee determines the misconduct *was* caused directly by the student's disability, the student may *not* be expelled or suspended for more than 10 days but may be placed by the Division Superintendent in a new school or program.

If the committee determines 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.

For full information about the procedures listed above, please refer to Regulation 2601.31P, located in the Appendix.

Glossary

Alcohol and Other Drug (AOD) Intervention Seminar An intervention seminar that provides up-to-date facts about the potential impact of drug and alcohol use, as well as open discussions about the choices that lead to drug use, the impact these choices can have on the student, friends, and other members of the family, and strategies for responding to peer pressure.

Bullying Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

Controlled Substances Drugs or substances found in the Drug Control Act (Section 54.1-3400 of the Code of Virginia), including all prescription drugs, regardless of whether the drug 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 drugs for pain, depression, hyperactivity, or attention deficit disorders.

Day Means a school day unless the context requires otherwise.

Discriminatory Harassment Verbal, electronic, or physical action that denigrate or show hostility toward an individual because of his or her race, color, religion, national origin, gender, disability, sexual orientation, gender identification, genetic information, or any other characteristic protected by federal and/or state law. Harassment may create an intimidating, hostile, or offensive learning environment, and/or interfere with an individual's academic performance.

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 (that is, regional assistant superintendent, hearing officer, assistant superintendent, or any other administrative staff member authorized to act in that capacity).

Expulsion Any disciplinary action imposed by the 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.

Functional Behavioral Assessment (FBA) Conducted by a team in order to develop a hypothesis about the function of the problem behavior when a student behaves in a way that significantly interferes with the student's learning and/or the learning of others. This leads to the development of a behavioral intervention plan (BIP).

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)

Hearings Office The Hearings Office conducts discipline hearings and determines outcomes on behalf of the Division Superintendent; makes discipline recommendations to the School Board and represents the Division Superintendent at School Board hearings; maintains records and statistics related to expulsion, exclusion, and reassignment recommendations and outcomes; decides suspension appeals; provides resource assistance and training to school-based and central office administrators; and conducts employee grievance hearings on behalf of the Division Superintendent.

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 including a prescription drug.

Imitation Marijuana A substance that bears a likeness to or is represented to be marijuana.

Individualized Education Program (IEP) A written plan for every student receiving special education services that contains information such as the student's special learning needs and the specific special education services required by the student.

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 10 days but less than 365 calendar days.

Manifestation Determination Review (MDR) A process for determining whether a behavior was caused by, had a substantial relationship to a student's disability, or was the direct result of the failure to implement the IEP.

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.

Marijuana, synthetic A substance which is a controlled substance. On occasion, this substance is referred to as "Spice, K-2, or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances that bears a likeness to, or is represented to be, synthetic cannabinoids or synthetic marijuana.

Nonprescription Any drug that can be obtained legally over the counter 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.

Parent Any parent, guardian, legal custodian, or other person having control or charge of a child.

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

Prescription Drug Any medication that requires a doctor's prescription.

Principal The school principal, any assistant principal, or, in his or her absence, the designated teacher or other school staff member in charge.

Region(s) A collection of schools within FCPS, located within a specific geographic area, with an assigned assistant superintendent and executive principal. Concerns that have not been resolved with the school principal may be referred to the regional office.

Restorative Justice Conference A conference which brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed, and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.

School Board The Fairfax County School Board or a designated committee thereof.

School Day Any day school is in session.

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.

School Resource Officer (SRO) A Fairfax County police officer assigned to each middle and high school to provide security and foster positive relationships with students.

Sexual Harassment
Harassment that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.

Short-Term Suspension
Disciplinary action that denies school attendance for a period not to exceed ten days.

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 An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.

Threat Assessment A structured process to evaluate the seriousness of a student's threat, support any victims or potential victims, and take preventive or corrective measures to maintain safety.

Weapon Any item so defined in the text in the current version of regulation 2601. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

Appendices:

- **Appendix A: Acceptable Use Policy for Student Network Access**
- **Appendix B: Standards of Conduct for Students Riding Buses**
- **Appendix C: Code of Virginia**
- **Appendix D: Regulation 2601.31P**

Appendix A:

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 system 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 shall not do, or attempt to do, anything that might disrupt the operation of the network or equipment and/or interfere with the learning of students or work of FCPS employees.

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 Students Rights and Responsibilities (SR&R) document.

FCPS implements Internet filtering on all FCPS sites in accordance with the federal Children's Internet Protection Act. Schools will continue to 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.
- Not accessing, changing, or deleting files belonging to others.

Ethical Conduct for Users

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.
- Use the FCPS computing resources in a manner that is consistent with the mission of the school system.
- 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.
- Not use offensive, obscene, or harassing language when using FCPS network and resouces.

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 material they seek.
- Users are responsible for reporting any inappropriate material they receive.
- Users are prohibited from accessing portion of the Internet that is inconsistent with the educational mission of FCPS.
- All student-produced web pages are subject to approval and ongoing review by responsible teachers and/or principals. All web pages shall 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.

Personally Owned Computing/Network Devices (BYOD)

Students using personally owned electronic devices must follow the policy stated in this document while on school property, attending school-sponsored activities, or using the FCPS network.

- Students using a personally owned device with a wireless connection are only permitted to connect to the FCPS Wi-Fi network (not private cellular service) while on FCPS premises.
- When applicable, appropriate virus-checking software must be installed, updated, and made active prior to any personally owned computing device being placed on the FCPS network.
- No device placed on the FCPS network can have software that monitors, analyzes, or may cause disruption to the FCPS network.
- FCPS is not responsible for any device or data loss, theft, damage or other associated costs of replacement or repair as a result of a student participating in the BYOD initiative.
- FCPS staff will not be responsible to store, support, or troubleshoot a student owned device.
- Students will take full responsibility for any personally owned device and will appropriately secure all devices when not in use.
- Students are not to record electronically instructional programs or any conversation involving a school official, without the official's advance permission to do so.
- Activities on the FCPS network may be subject to discovery under the Freedom of Information Act (FOIA). FCPS reserves the right to monitor and investigate all devices and activities on the FCPS network. The device may also be confiscated by school authorities in accordance with the Student Rights and Responsibilities (SR&R) document.

Related Documents: The current versions of Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources and Regulation 2601, Students Rights and Responsibilities

Appendix B:

Standards of Conduct for Students Riding Buses

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

SIGN THE PARENT AND/OR GUARDIAN 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 8617 provides that daily bus service shall be provided for all elementary students 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 Rights and Responsibilities.*

2. The current version of Regulation 8617 regarding the provision of transportation for students enrolled in designated 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. Among other things, students shall not smoke, yell, scream, swear, push, fight, bully, or take advantage of any other student; extend hands, arms, or heads or objects 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 temporarily issue an assigned seat for disciplinary purposes in response to student safety. 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

<u>Students Must:</u>

- 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 stop until buses arrive. Be picked up and released at their designated (assigned) bus stops.

- Demonstrate appropriate conduct 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 or possessions while waiting beside the road.
- Not approach a bus arriving at the bus stop until it has come to a complete stop with the entrance door open.
- Not run alongside a moving bus. Wait to cross a traveled portion of the roadway, or to board a bus, until the bus is stopped and other vehicles approaching or following the bus have stopped. **The bus driver 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

Students 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.
- **Not talk on the cell phone, except in the case of an emergency situation**.
- Present written request from parents or guardians, subject to approval of school principal, to go home on an alternate route.

LEAVING THE BUS

Students Must:

- Remain seated until bus comes to a full stop.
- Exit bus in an orderly manner.
- Leave bus stop area only when safety permits; that is, 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 and students in designated programs, (i.e. FECEP and Preschool/PAC) must be met at the bus by responsible adults. Kindergarten students riding the afternoon school buses will be returned to school unless they are met at the bus door by a parent, a guardian/caregiver, or sibling, middle school or higher and asked for by name.

Appendix C:

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, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

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

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

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 educational 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 treatments 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.

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.

Current version of the Code of Virginia § 22.1-279.4 Laws Regarding Prosecution of Juveniles as Adults

As required by section § 22.1-279.4 of the Code of Virginia, FCPS provides its students with information developed by the Virginia Attorney General regarding the prosecution of juveniles as adults for the commission of certain crimes and that information can be found at http://www.doe.virginia.gov/administrators/superintendents_memos/2012/057-12a.pdf/

Appendix D:

Regulation 2601.31P

This copy of regulation 2601 has been specially formatted for this publication. The official and current version of this regulation is available through the FCPS website, which includes changes that may be made between printings.

www.fcps.edu/srr

SPECIAL SERVICES

Student Rights and Responsibilities

Student Rights and Responsibilities Booklet

This regulation supersedes Regulation 2601.30P

I. PURPOSE

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

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

A. In section V., removed last paragraph starting with "Students are expected" and ending with "or refund for such session."

B. In Chapter II.A.2.b.(2) footnote, added "regarding investigation of reports of discrimination or harassment of a student. In connection with any allegation of bullying, and within five school days of the initial report of such to a school official, the principal shall furnish notice regarding the status of the investigation to the parent of each student allegedly involved."

III. PROCEDURES AND DISTRIBUTION

The Department of Special Services shall develop, for the Division Superintendent's review, a booklet for teachers, students, and parents stating the legal rights and responsibilities 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 K-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, Rules of Conduct and Disciplinary Procedures, will be used only for due process. As required by Section 22.1–279.3 of the Code of Virginia, the parents of each enrolled student shall be sent a copy of the rules of conduct within one calendar month of the opening of school.

IV. STUDENT AND FACULTY ORIENTATION

All principals[1] are requested to review the Student Rights & Responsibilities (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

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

problems. Principals are encouraged to discuss, with the regional assistant superintendents, their plans for distributing booklets and for conducting student and faculty orientations.

V. SUMMER SCHOOL ATTENDANCE

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. 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.

A school principal may impose a short-term suspension and/or make a referral to the Division Superintendent in any situation involving prohibited conduct.

With respect to any violation for which the disciplinary sanction includes a referral to the Division Superintendent, the provisions and procedures set forth in the current version of the Regulation 2601 shall govern and be controlling. A student who is expelled, reassigned, or suspended for a violation that occurred during a summer school session may also be expelled, reassigned, or suspended 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 decision to suspend a student from summer school is reviewable by the principal, provided the parent appeals within two days after the suspension decision. The principal shall review such matters 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, at 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 may submit a written appeal to the Division Superintendent 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.

Legal Reference: Code of Virginia, Section 22.1-279.3

CHAPTER I

RIGHTS AND RESPONSIBILITIES OF STUDENTS

A. 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 for any absence from class and any student who seeks to leave school during the school day shall submit in advance a written parent request directed to the principal. Principals may, at their discretion, accept a personal or telephone contact with the parent in lieu of a written request. 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. The current version of Regulation 2234 provides additional details.

2. Unexcused Absences

An unexcused absence from school or from class is one for which the student does not have a legitimate reason in the opinion of the principal. When a student is absent without prior communication between the parent and the school, school personnel will notify the parent and take appropriate action based on the individual circumstances. After two unexcused absences, a conference may be requested with the parent. School attendance is required by law, as outlined in the Code of Virginia. Absences and tardies will be addressed by individual interventions with progressive consequences for students.

Students are fully responsible for completing any missed assignments. Teachers may assist the student and parent in identifying missed work, but are not obligated to provide make-up assignments.

3. Five or More Unexcused Days of 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.

B. 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 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 the 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.

C. 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 chapter II.A.2.b.(7) 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. A principal may provide additional examples to his or her school community.

Parents 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.

D. 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 provided upon request from the Student Safety and Wellness Office.

E. 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 this section 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 this section 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 regional 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 regional 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 non-school materials in school buildings or on school property during school hours, including during bus arrival and departure times.

F. 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 and examine the contents, including personal belongings of students.

2. Individual Belongings

Any desk, locker, storage space, item of personal belonging, 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 to suspect that it contains evidence of a violation of a school regulation or of unlawful activity (such as illegal drugs, weapons, stolen property, and 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 subsequently informed of the search. Stolen items, items that are prohibited by law, and items that are possessed or used in violation of School Board policy or school system regulations may be impounded. The student shall be given a receipt for any items impounded (other than contraband) by school authorities, and the parent 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 having consumed alcohol or of being under

the influence of illegal drugs are subject to breath sample tests or drug tests (as provided in the current version of Regulation 2610), as appropriate. Students who, without the permission of school officials, leave their school campus or otherwise access unauthorized areas (including their own vehicles) during the school day and thereafter return to any portion of school property during that same school day, are subject to search.

4. **Video and Audio Surveillance**

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

G. The Rights of Adult Students and Their Parents

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 regarding field trips, 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 of such a student shall be notified of student's decisions in this regard.

As provided by federal law, the parent 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 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 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 hearing and appeal process does not apply in its entirety to students who are older than persons of school age as such term is defined in the Code of Virginia[2] unless such students are eligible for special education services pursuant to the Individuals With Disabilities Education Improvement Act (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.

H. 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 have the right to inspect any and all records relating to their dependent(s).

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[2] 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.

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, with written parental 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 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 consent.

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.

I. The Right to Complain[3]

Students who believe that actions or inactions of the school officials 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.

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 may request a meeting of the student, the parent, and the principal. The principal may require the parent to attend and shall, following the meeting, promptly inform the parent in writing of his or her decision on the complaint. The principal shall notify, in writing, the director, Office of Equity and Employee Relations, of complaints alleging prohibited discrimination.

2. **Complaint to the Regional Assistant Superintendent**

   The principal's decision on a complaint may be submitted for review by the student or parent to the regional 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 regional assistant superintendent shall promptly review the complaint and inform the student or parent in writing of the decision. The regional assistant superintendent may, at his or her discretion, include a meeting with the principal and the student or parent as part of the review of the complaint. The decision of the regional assistant superintendent shall be final.

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[3] This section does not apply to situations involving violations of conduct that result in suspensions from school, reassignments, or expulsion recommendations. For information on the right to appeal a short-term suspension from school to the Division Superintendent, see chapter II.C.3.d. of this regulation. For information on the right to appeal to the School Board a long-term suspension from school, a school reassignment decision, or an expulsion recommendation, see the current version of Policy 2611.

J. The Right to Equal Opportunity

No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, 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. Students or parents may present concerns, complaints, or inquiries about FCPS' compliance with its obligation to provide equal opportunity to the responsible office, listed below. Correspondence may be addressed to these offices in care of Fairfax County Public Schools.

1. Issues concerning access to facilities may be presented to the director, Office of Design and Construction Services (571-423-2280), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.

2. Issues concerning discrimination may be presented to the director, Office of Equity and Employee Relations (571-423-3052), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.

3. Issues concerning programs and activities for students with disabilities may be presented to the coordinator, Due Process and Eligibility (571-423-4470), located at 8270 Willow Oaks Corporate Drive, Fairfax, Virginia 22031.

CHAPTER II

RULES OF CONDUCT, INTERVENTIONS, AND DISCIPLINARY PROCEDURES

Positive approaches to student discipline and collaboration between parents, teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship. Fairfax County Public Schools (FCPS) is committed to working with parents and utilizes schoolwide systems to teach, model, and reinforce positive conduct. When students do not demonstrate expected conduct, or engage in misconduct that creates a disturbance in the learning environment, or unsafe conditions for others in the school, a range of interventions and consequences are utilized. Under law, certain misconduct is expressly prohibited on school property, buses, and during school-sponsored activities and may result in prescribed consequences. Other misconduct may result in interventions and/or disciplinary consequences determined by the principal, taking into consideration all relevant factors.

A. Acts for Which Students May Be Disciplined

Students may be disciplined by school officials, to include suspension, reassignment, 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 from school, make-up work will be provided by the school during the period of suspension. Parents are expected to provide adequate supervision for the student during periods of suspension and to work collaboratively with the school to arrange for assignments to be picked up and to ensure that the student completes assignments while on suspension.

A student may be subject to disciplinary action for violation of any: (i) federal, state, or local law, rule, or regulation and/or (ii) policy or regulation of the School Board, the school system, or the school.

Principals customarily will respond to many instances of prohibited conduct with school-based consequences, including, where necessary, suspension not to exceed five days. For more serious violations, the principal may choose at his or her discretion to make a referral to the Division Superintendent to conduct a hearing in order to consider more serious disciplinary action (to include a long-term suspension, a reassignment, and/or a recommendation to the School Board for expulsion). Where a referral to the Division Superintendent is made, the principal also may impose a suspension of up to 10 days and may recommend a specific disciplinary action to the Division Superintendent. No inference is to be drawn from the absence of a principal's recommendation. For the most serious violations (including those involving certain weapons, illegal drugs, sexual assault, and assault on a school employee causing injury), the principal is obligated by School Board policy to make a referral to the Division Superintendent.

A school principal may impose a short-term suspension and make a referral to the Division Superintendent in any situation involving prohibited conduct. Any student who commits multiple offenses (regardless of their nature) at the same time or on different occasions may, in the discretion of school officials, face more stringent disciplinary action as a result, notwithstanding the sanction identified below for any particular act of prohibited conduct. Nothing contained herein shall require the use of progressive disciplinary measures or shall establish the order in which such disciplinary measures shall be imposed.

Before a student is removed from his or her base school and reassigned to another educational setting, other disciplinary options will be considered such as loss of privileges, community service, after school detention, or Saturday School. When a student is subject to out-of-school suspension, the school system shall, if feasible, provide academic support and other services necessary for the student to maintain academic progress.

When a student makes a threat, or when a student's behavior indicates that a threat is reasonably likely, a threat assessment may be conducted by school officials, pursuant to Regulation 2111. The purpose of a threat assessment is to assess the seriousness of the student's threat, to provide assistance to the student being assessed, to support victims or potential victims, and to take appropriate preventive or corrective measures to maintain a safe and secure school environment. Parents are notified of the threat assessment and their input is part of the assessment process. Principals shall report to the police any occurrence of specific types of threats, and shall notify parents of any minor child who is the object of such a threat, pursuant to Regulation 2111. A threat assessment is not a disciplinary action and is not a prerequisite to disciplinary action. Students violating the SR&R are subject to discipline regardless of whether a threat assessment has been conducted and regardless of the outcome of that assessment.

In accordance with VA Code 22.1-277.06, recommendations of the Division Superintendent for expulsion by the School Board for prohibited conduct other than those involving illegal drugs or statutory weapons shall be based on consideration of the following factors: (i) the nature and seriousness of the violation; (ii) the danger to the school community; (iii) the student's disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative educational placement or program; (v) the student's age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student's attendance and academic records; and (viii) such other matters as deemed appropriate. No decision to discipline a student shall be reversed solely on the grounds that such factors were not considered.

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

a. The following violations may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

(1) Threatening to assault or physically assaulting a school staff member without injury.

(2) Any involvement in a mob assault. 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.

(3) Threatening to assault or physically assaulting another student or any other person (other than a staff member), whether or not causing injury.

(4) 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. 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.

(5) Improper touching of another person (whether or not consensual).

b. For students in grades 7-12, the following violations shall result in a referral to the Division Superintendent and the principal may suspend for up to ten days. For students in grades K-6, the following violations may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

(1) Sexual assault or battery upon any person.

(2) Physically assaulting a staff member causing injury.

2. Disruptive or Inappropriate Behavior

For violations involving disruptive or inappropriate behavior, a restorative justice conference and/or referral to the FCPS Restorative Behavior Intervention (RBI) specialist may be used in lieu of, or in addition to, disciplinary action, at the discretion of the principal.

a. The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

(1) Use or possession of fireworks.

(2) Use or possession of matches or lighters.

(3) Forgery, cheating, plagiarism, or dishonesty, including the use of portable communication devices for such purpose.

(4) Gambling in any form.

(5) Unauthorized use or possession of a laser pointer or other laser devices.

(6) Use of personally owned electronic devices[4] or any use in violation of the acceptable use policy or of the direction of a school official.

(7) Violation of attendance regulations. (However, a student shall not be suspended or referred to the Division Superintendent solely due to attendance violations.)

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[4] FCPS welcomes the appropriate use of personally owned devices in accordance with Department of Information Technology guidelines. A personally owned device which is misused is subject to impoundment by school officials, who may require the student's parent to make an appointment to retrieve the device.

(8) Disruption of the educational process or disobedience, insubordination, or open defiance of the authority of any teacher or staff member.

(9) Conduct, including fighting, mistreating, cursing, inappropriate gesturing, or verbally abusing any person.

(10) Willful disruption of any school-sponsored activity.

(11) Verbal or written use of vulgar, profane, obscene, or patently offensive language.

b. The following violations may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

(1) Vulgar, profane, obscene, or patently offensive conduct including 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, including via the Internet or other electronic means.

(2) Bullying[5] on any basis.

(3) Discriminatory harassment[6] (which is harassment based on a person's race, color, religion, national origin, gender, disability, personal or physical attributes, or matters pertaining to sexuality, including sexual orientation, gender identity, or gender expression).

(4) Sexual harassment[7] (which includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment).

(5) Conduct that endangers the well-being of others, including making threats, stalking, or intimidating.

(6) Unauthorized or illegal use of, or access to, computers, software, telecommunications, or related technologies or any willful act that causes physical, financial, or other harm to, or otherwise disrupts, information technology.

(7) Taking part in, assisting, facilitating, or promoting gang-related activities that are disruptive to the school environment, which include, but are not limited to, 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 and refer the student to the FCPS Student Safety and

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[5, 6, and 7] The principal is responsible for investigating and documenting all reported incidents of bullying, discriminatory harassment, and sexual harassment. All allegations and supporting information should be recorded in the Bullying and Harassment Management System (BHMS). See Regulation 4952 for procedural requirements regarding investigation of reports of discrimination or harassment of a student. In connection with any allegation of bullying, and within five school days of the initial report of such to a school official, the principal shall furnish notice regarding the status of the investigation to the parent of each student allegedly involved.

Wellness Office for additional resources and interventions to address gang involvement.

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 products, or over-the-counter drugs is permitted by law.

a. Tobacco and Smoking Device Violations

The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Possessing or using tobacco products, or smoking devices (to include nicotine vapor products, alternative nicotine products, electronic cigarettes and Hookah pens), all of which are collectively referred to herein as "tobacco products."

(1) For a first violation related to tobacco products, a student shall participate in an FCPS tobacco and smoking intervention program to be conducted by the Student Safety and Wellness Office. Failure to attend and successfully complete the intervention program shall result in a school-based disciplinary action not to exceed one day of suspension. Parents are expected to attend an evening information session to support a collaborative approach to help the student stop the use of tobacco.

(2) For a second or subsequent violation related to tobacco products, a student shall receive an in-school consequence or be suspended from school for no more than five days at the discretion of the principal.

School officials may report any such violation to the police in accordance with the Code of Virginia, Section 18.2-371.2.

b. Alcohol and Inhalants

For violations involving alcohol or inhalants, students may be referred to an FCPS alcohol and other drug (AOD) intervention program[8] in lieu of, or in addition to, disciplinary action at the discretion of the principal. However, the AOD intervention program is not intended for a student who participated in that program previously.

(1) The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted

[8] High school students may participate in the FCPS Alcohol and Other Drug Intervention Seminar. Elementary and middle school students may participate in an in-school intervention support program to be conducted by the Student Safety and Wellness Office.

the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Using, possessing, distributing, manufacturing, or being under the influence of alcohol, inhalants, or nonalcoholic beer, herein referred to as prohibited substances.

(a) For high school students, the first violation of this subsection shall also result in suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities.

(b) For high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year.

(c) All alcohol violations shall be reported to the police in accordance with the Code of Virginia.

(2) If the student is suspected of being under the influence of alcohol or otherwise having violated the provisions of this section, the principal shall notify the parent of the suspicion. The principal may immediately administer a breath sample test to determine any alcohol content and/or recommend that the student do at least one of the following:

(a) Voluntarily attend an FCPS AOD intervention program.

(b) Voluntarily participate in a substance abuse assessment, at parent expense, with the Fairfax-Falls Church Community Services Board (CSB) or a private provider to determine the need for substance abuse treatment.

c. Nonprescription Drugs (Over-the-Counter Drugs)

Nonprescription drugs are those not authorized 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 drugs intended to be ingested or inhaled. Parents are expected to bring all medication, including nonprescription medication, to the school health room so the medication can be safely stored and administered.

(1) The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

- Using, abusing, possessing, or distributing (where such distribution is other than for the purpose of abuse) any nonprescription drug.

(2) The following violation may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may also impose a suspension for up to ten days.

- Distributing any non-prescription drug for the purpose of abuse.

d. Marijuana, Imitation Marijuana, any Controlled Substance, Including Prescription Drugs, and Synthetic Marijuana, and Imitation Controlled Substances (collectively, Illegal Drugs), or Drug Paraphernalia

For violations related to illegal drugs or drug paraphernalia, a student may be referred to an FCPS AOD intervention program in lieu of, or in addition to, disciplinary action at the discretion of the principal, unless a referral to the Division Superintendent is required. Where a referral to the Division Superintendent is required, an assignment to an AOD intervention program may be made in addition to the referral to the Division Superintendent. However, the AOD intervention program is not intended for a student who participated in it previously, or who has been, or is being, disciplined for a violation involving drug distribution.

(1) The following violation customarily results in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

(a) Arriving on school property or to a school-sponsored activity under the influence of marijuana, or of any illegal or illegally used controlled substance (including ecstasy, cocaine, synthetic marijuana, or any prescription drug not prescribed to the student), or for possessing or distributing drug paraphernalia.

i. For high school students, the first violation of this subsection also shall result in suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities.

ii. For high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense also shall result in suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year.

(2) The following violations shall result in a referral to the Division Superintendent and the principal may suspend for up to ten days, unless otherwise specified below.

(a) Use or possession of a controlled substance, marijuana, an imitation controlled substance, or imitation marijuana, while on school property or at a school-sponsored activity. The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate; provided, however, that where a student is found (without having engaged in other prohibited conduct for which a referral to the Division Superintendent is required by this Regulation):

i. To be in possession of his or her own prescription medication, a preliminary review shall be conducted instead by the principal who may determine that special circumstances exist and that a disciplinary action other than a referral to the Division Superintendent is appropriate, or

ii. For the first time: (i) to be in possession of marijuana or imitation marijuana in an amount which is indicative of personal use only, or (ii) to have used marijuana or imitation marijuana so long as the use did not occur during a school-sponsored activity or on school property during the school day, there will be an expedited review of the written record by the Division Superintendent to determine if special circumstances exist such that a disciplinary action other than expulsion is appropriate.

a. Pending the Division Superintendent's review, the student shall be assigned to in-school suspension.

b. In the event the Division Superintendent finds special circumstances on the written record, the student shall receive the following: a five-day in-school suspension; assignment to an FCPS AOD intervention program; suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities; and probationary conditions.

c. In the event the Division Superintendent does not find special circumstances on the written record, the Division Superintendent shall hold a hearing to determine what disciplinary action, if any, should be imposed, subject to any right the student may have under this Regulation to appeal to the School Board. Pending the hearing before the Division Superintendent, the student's in-school suspension shall continue.

iii. In any case, the School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that a disciplinary action other than expulsion is appropriate.

(b) Distributing, facilitating the distribution of, or manufacturing a controlled substance (including anabolic steroids, or prescription drugs, or synthetic marijuana), an imitation controlled substance, marijuana, or imitation marijuana. The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that a disciplinary action other than expulsion is appropriate. A report shall be made to the police in accordance with the Code of Virginia.

(c) Theft of a student's prescription drug. A report shall be made to the police in accordance with the Code of Virginia.

(3) If the student is suspected of being under the influence of illegal drugs or otherwise having violated the provisions of this subsection, the principal shall notify the parent of the suspicion and recommend that the parent pursue appropriate intervention. In addition, the principal may recommend that the student do at least one of the following:

(a) Voluntarily participate in an FCPS AOD intervention program.

(b) Voluntarily participate in a substance abuse assessment, at parent expense, with the Fairfax-Falls Church Community Services Board or private provider to determine the need for substance abuse treatment.

All illegal drug violations shall be reported to the police in accordance with the Code of Virginia.

4. Property Violations

For violations involving property, a restorative justice conference may be used in lieu of, or in addition to, disciplinary action, at the discretion of the principal.

The student or the student's parent 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, or parent, will be financially responsible for any loss or damage to School Board property resulting from his or her misconduct.

a. The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

(1) Unauthorized presence on school property or failure to leave promptly after being told to do so by an FCPS staff member or a police officer.

(2) Theft or attempted theft of another person's property or money without the use of force or fear.

b. The following violations may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

(1) Theft or attempted theft of another person's property or money by the use of force or fear.

(2) Willfully causing or attempting to cause damage to, or theft of, any school property.

(3) 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.

(4) Attempted theft of another person’s prescription medication. A report shall be made to the police in accordance with the Code of Virginia where the attempted theft is of student medication(s).

5. Weapons Violations

Students are expected to report immediately to a school official whenever they observe or otherwise become aware of the presence of a weapon on school property or at a school-sponsored activity. Doing so serves to protect the well-being of other students as well as school officials and where the reporting student is the one who is in possession of the weapon,

increases the likelihood of favorable consideration by the principal, or a finding of special circumstances by the Division Superintendent.

a. Possession or Use of Statutory Weapon

(1) Possession or use of a statutory weapon (as defined below) on school property or at a school-sponsored activity may result in a suspension for up to ten days and shall result in a referral to the Division Superintendent who will consider a recommendation for expulsion for a period of not less than one year. As employed herein, the term "statutory weapon" shall mean the following:

(a) 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.

(b) 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.

(c) A pneumatic gun, as defined in Section 15.2-915.4 of the Code of Virginia, including BB gun, paintball gun, or pellet gun.

(d) 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.

(e) A firearm muffler or firearm silencer.

(2) Special Circumstances

Notwithstanding the foregoing provisions, the Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. All statutory weapons violations shall be reported to the police in accordance with the Code of Virginia.

b. Possession or Use of Switchblades, Machetes, and Certain Other Knives

(1) The following violations shall result in a referral to the Division Superintendent and the principal may suspend for up to ten days.

(a) Possession or use of any machete, any switchblade knife (regardless of blade length), or any other knife with a blade length of three inches or more on school property or at a school-sponsored activity. Provided, however, that where a student is found (without having engaged in other prohibited conduct) for the first time to be in possession of a machete, switchblade knife, or other knife with a blade length of three or more inches with no indication that the student intended to use such weapon to threaten, intimidate, or harm another, there will be an expedited review of the written record.

(i) In the event the Division Superintendent finds special circumstances on the written record, the student shall receive the following: a suspension of up to ten days; a suspension for not more than 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities; and probationary conditions.

(ii) In the event the Division Superintendent does not find special circumstances on the written record, the Division Superintendent should hold a hearing to determine what disciplinary action, if any, should be imposed, subject to any right the student may have under this regulation to appeal to the School Board.

c. Use of Other Weapon

The following violation shall result in a referral to the Division Superintendent and the principal may suspend for up to ten days.

- Unauthorized use of an other weapon (as defined below) or any item used as a weapon to threaten, intimidate, or harm another.

d. Possession of Other Weapons

The following violation may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

- Possession of any other weapon. As employed herein, the term "other weapon" shall mean any object of any nature [other than a statutory weapon or those described in Section A.5.b.] that can be used to threaten and/or harm another person. Examples of other weapons include but shall not be limited to: any knife of less than three inches (other than a switchblade knife), nunchaka, brass knuckles, spring stick, throwing star, stun weapon, taser, mace, pepper spray, ammunition, spring loaded pellet gun, razor blade, 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.

e. Law and Policy

This section implements the Gun-Free Schools Act (see Section 22.1-277.07 of the Code of Virginia), as well as FCPS' own policy[9] which independently prohibits student possession or use of all weapons, except where expressly authorized by school officials as part of the curriculum or of officially sanctioned activities.

B. Reporting to Police and Parents of Victims of Certain Code Violations

1. The principal shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents that may constitute violations of law specified in subsections (ii)-(vii) of Section 22.1-279.3:1 of the Code of Virginia: "(ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in §18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in §22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in §18.2-85, or explosive or

[9] FCPS' own policy on weapons is authorized by the Code of Virginia, including Section 22.1-277.07:1.

incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses." 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 school officials, in addition to any disciplinary action that may be taken.

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 school administration and, as any other school official, are permitted to stop, question, interview, and take action without contacting parents in advance. When students are questioned by FCPS administrators for the purpose of student discipline, neither the SRO or any other police officer should be present unless FCPS administrators have a safety concern or a need for law enforcement expertise. In responding to incidents of students engaging in possible prohibited conduct which also involves criminal offenses, FCPS administrators will defer the student's disciplinary investigation where so directed to do so by the police (including situations involving: imminent risk of harm, such as weapons; a felony or violent misdemeanor; or where Virginia law requires immediate reporting to law enforcement).

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 of any minor student who is the victim or intended victim of any assault listed in Chapter II, Section A.1. that may constitute a criminal offense.

C. Disciplinary Procedures and Interventions

1. Procedures in Determining Facts and Imposing Sanctions

The principal shall determine the appropriate disciplinary actions to be taken in each case of prohibited conduct, except when a referral to the Division Superintendent is required, and may request the assistance of other appropriate staff members. In disciplinary cases, all students have the right to due process and to fair procedures in determining facts and imposing sanctions.

a. A student, including a witness, may be asked to write his or her version of what happened so each can record the information in his or her own words. The student will be informed that the written statement is voluntary.

b. In the event that a school administrator has reason to believe that the student has committed an offense that would result in a referral to the Division Superintendent, the school administrator shall make reasonable efforts to notify the student's parents as soon as practicable and before asking the student to write or sign a statement about the offense, unless the school administrator believes that there is a prospective danger to the student or others, or that there is a risk that evidence will be lost or destroyed. School administrators shall document parent notification efforts**.**

c. Except in exigent circumstances, school administrators shall make reasonable efforts to notify a student's parent prior to reporting a student's violation to the SRO, unless otherwise required by law. When principals are required by law to immediately report certain misconduct to police, school administrators shall comply with such statutory requirements and shall thereafter make reasonable efforts to immediately notify the student's parent. School administrators shall document reports to the SRO and parent notification efforts.

d. Parents seeking information about the hearings process should contact the Division Superintendent.

e. The principal may impose a suspension of up to five days or make a referral to the Division Superintendent in any situation involving prohibited conduct when the principal believes such action is warranted. The principal shall monitor each case to ensure that an appropriate intervention and follow-up response have been made.

f. Notwithstanding other provisions of the SR&R, and subject to review and revocation at any time by the principal, Division Superintendent, or School Board, a principal may in his or her discretion permit a suspended student to attend school or any designated portion of the school program, subject to such restrictions and limitations as the principal directs, pending a final disciplinary decision by school division officials.

g. Notwithstanding the foregoing, nothing contained herein shall be construed to diminish the authority of the principal (i) to protect the health and safety of students and others in connection with the school, or any school-sponsored activity, or (ii) to ascertain the facts about any incident. The principal shall do so in a reasonable, good faith manner, and shall be accountable for respecting the rights and responsibilities of everyone in the school.

2. Interventions Without Suspension From School

With approval of the principal and concurrence of all involved students, students may be invited to participate in peer mediation or a restorative justice conference to resolve disputes or address student behavior. This does not preclude the possibility of disciplinary action for prohibited conduct.

FCPS promotes the use of positive behavioral approaches and school officials work diligently to help each student understand school rules and the impact of his or her behavior on others.

a. The following are examples of authorized interventions:

(1) Re-teaching expected behavior with required practice

(2) Student-teacher conference and reflection on behavior

(3) Conference with parent

(4) Parent attends one day of school with student

(5) Peer mediation

(6) Behavior contract

(7) Conflict resolution with school counselor

(8) Referral to school psychologist or school social worker

(9) Referral to an FCPS Alcohol and Other Drug intervention program

(10) Referral to a Restorative Behavior Intervention specialist

(11) Referral to community resources

b. The following are examples of authorized disciplinary measures:

(1) Admonition and counseling of the student in private concerning his or her responsibilities.

(2) After-school detention. Except in extreme cases, a student must be given advance notice of this action. The parent shall be notified when a student is assigned after-school detention.

(3) Suspension from all student privileges (including parking, senior privileges, all other student privileges, and student activities, including teams, clubs, and all other school-sponsored activities) for a fixed period of time.

(4) 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 in which the terms and conditions of the probation are explained. The principal shall also notify the parent in writing when probation is imposed, including the reasons for the probation and its date of termination. Probationary conditions shall be of a duration of no more than one calendar year, unless the student violates one or more of these conditions.

(5) 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:

(a) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.

(b) 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.

(c) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.

(d) Written notice of the student's behavior and removal from class is given to the parent by the teacher when the recommendation of the teacher is that the student should be removed for longer than one school day or from the same class on consecutive days.

(6) Alternative instructional arrangement (AIA). The student may be removed from his or her regular schedule of classes and assigned to a program of study under supervision of a qualified staff member for a fixed period of time, less than one-half of the school day.

(7) In-school suspension (ISS). The student may be removed from his or her regular schedule of classes and assigned to a program of study under the supervision of a qualified staff member for a fixed period of time, one-half or more school days.

(8) The student assigned to AIA or ISS shall have the opportunity to receive full credit for work performed and the principal shall notify the parent in writing of the terms and duration of the arrangements.

Students who believe that decisions made by staff members are not in their best interest may present complaints to teachers, counselors, or school administrators.

3. 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. A parent conference with school officials may be required in connection with a student's readmission to school. A parent conference shall be required 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 suspension and the right to appeal.

(2) Make a reasonable effort to notify the student's parent of the suspension, inform the parent 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, to the parent by the end of the school day when possible, but not later than the end of the next school day, by U.S. mail and, if possible, also by e-mail, 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 by the student if he or she is 18 years of age or older. Such an appeal must be made within two school days from the initial decision to suspend by submitting written notice of the appeal to the principal. This written notice must include the reasons the suspension should be reversed or otherwise modified.

(1) When notified of an appeal by the parent, the principal shall reinstate the student in school until the appeal has been decided 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 suspension is pursuant to a referral to the Division Superintendent, in which case, the student's suspension may be extended until the decision to long-term suspend, reassign, or to expel has been determined (subject to the principal's discretion to permit a suspended student to attend school or any designated portion of the school program in accordance with Chapter II, Section C.1(f) "Disciplinary Procedures and Interventions").

(2) If the principal upholds the decision to suspend and the parent wants to continue the appeal process, the parent shall within two days notify the principal and the Division Superintendent in writing of the appeal, stating specifically why the suspension should be reversed or modified.

(3) After receiving a written request for an appeal from the parent, 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 at a mutually agreeable time for a hearing on the appeal or, failing that, shall notify the parent 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 parents and additional adults 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 will be recorded by FCPS through stenographic, tape, or other means, and no other recordings are permitted. Upon request, students, parents and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent may request that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the Division Superintendent for transcription as well as redaction of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the parent, and a hearing may not be delayed on account of such a request.

(4) Following an appeal, a hearing officer shall promptly notify the parent 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.

(5) 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 Temporary Removal

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be 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.

4. Records Review

A student who fails to maintain a satisfactory disciplinary record and for whom prior disciplinary consequences and/or interventions have been initiated may be the subject of a records review to be conducted by the regional assistant superintendent (RAS). The parent and student will

be afforded the opportunity to participate in a meeting to review the student's disciplinary record, school-based interventions to date, and other relevant information. As a result of the review, the RAS may propose additional interventions to include probationary conditions and voluntary enrollment in an appropriate, alternative educational setting. Students in grades K-6 will not be referred to the Division Superintendent unless they have first been the subject of a records review, except where the referral is required under this Regulation or where the student's presence in his or her current school endangers the well-being of others.

5. Referrals to Alternative Educational Programs

A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative educational program on a voluntary basis. The principal will submit an Nontraditional School Programs Elective Placement Referral Form (SS/SE-227) with all required attachments to the coordinator of Nontraditional School Programs and a meeting will be scheduled to facilitate placement into the appropriate program. Referrals can be made at any time throughout the year. If a student is eligible for special education services, the procedural support liaisons can request participation of alternative school representatives during an individualized educational program (IEP) meeting to determine the appropriate placement. Further details about the various program options can be found at https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program.

6. Suspension for More Than Ten School Days (Less Than 365 Days)

Where a referral to the Division Superintendent is made, 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 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 is also referred to the Division Superintendent, the student may not attend school or be on any school property while the student's appeal is pending, except as specifically permitted (i) by the Division Superintendent or the School Board, or (ii) by the principal who, in his or her discretion, may authorize a student to be on school property to attend school, a designated portion of the school program, or an AOD intervention program.

a. When the Division Superintendent receives a request for a hearing, he or she shall promptly schedule with the parent a mutually agreeable time for the hearing or, failing that, shall notify the parent 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 parents and additional adults who may be legal counsel, a member of the clergy, a social worker, etc. The hearing will be recorded by FCPS through stenographic, tape, or other means and no other recordings are permitted. Upon request, students, parents, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent may request that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the Division Superintendent for transcription, as well as redaction of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the parent, and a hearing may not be delayed on account of such a request.

b. When a student is the subject of a referral to the Division Superintendent, the Division Superintendent will consider all possible sanctions in the same hearing (to include long-term suspension, reassignment, and/or expulsion).

c. Following the hearing, the Division Superintendent shall promptly notify the parent and the principal of the decision and the basis for the decision, noting the parent'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 the Division Superintendent's decision for reassignment or expulsion, an appeal on the extension will be considered by the School Board as part of the reassignment or expulsion proceeding.

7. 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 referral to the Division Superintendent, the parent, and the student. When the principal makes a referral to the Division Superintendent, the principal may choose to recommend specific disciplinary actions, including expulsion. No inference is to be drawn from the absence of a principal's recommendation. As a part of the referral, the Division Superintendent may consider forwarding a recommendation for expulsion to the School Board whether or not such has been expressly recommended by the principal. The principal shall offer to meet with the student and parent prior to a hearing to explain the hearings process and to discuss the facts leading to the referral. The parent also is entitled to receive a redacted copy of the discipline packet that the school submitted in support of the referral, upon notice to the Division Superintendent. The hearing procedure is as follows:

a. The Division Superintendent shall promptly schedule a hearing on the referral at a mutually agreeable time or, failing that, shall notify the parent 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 referral to the Division Superintendent, the Division Superintendent will consider all possible sanctions in the same hearing (to include short-term suspension, long-term suspension, reassignment, and/or expulsion).

c. No expulsion recommendation is binding on the Division Superintendent, who may implement alternative disciplinary sanctions or determine that no discipline is warranted.

d. If the Division Superintendent decides to recommend expulsion, he or she shall notify the clerk of the School Board and shall inform the student and the parent of such and shall send them a copy of the current version of Policy 2611. The Division Superintendent also may offer the parent a letter of agreement which, if agreed to and signed by the parent and thereafter accepted by a School Board committee, would conclude the case without a further hearing.

e. The School Board or a designated committee shall make a determination on the recommendation in accordance with the current version of Policy 2611.

8. Educational Placements During Appeal

For those cases in which a decision by the School Board is pending, the student is expected to enroll in and attend the educational program designated by the Division Superintendent during the pendency of the proceeding.

9. 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 of the reasons for such possible exclusion and of the right to attend 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 from some or all FCPS programs 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.

10. Reassignment to an Alternative Program

The Division Superintendent may require any student who (i) has been charged with an offense relating to Virginia's laws on weapons, alcohol, drugs, or intentional injury to another person or with an offense required by law to be reported to school officials, or (ii) 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, or (iii) has been found to have committed a serious offense or repeated offenses in violation of School Board policies, to attend an alternative 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.

a. Student's Suspension for Intentional Injury of a Fellow Student in the Community

Following notice and a hearing, a school principal is authorized to impose a short-term suspension upon any student who has been charged with a criminal offense reportable to school officials and involving intentional injury to another student who attends the same FCPS school, regardless of where such offense occurred. In addition, the school principal may, concurrent with the imposition of the short-term suspension, recommend to the Division Superintendent that the charged student be reassigned to a school or program other than that which the victim attends. The Division Superintendent shall determine, in accordance with the procedures below, whether the charged student shall be reassigned to an alternative educational program or to another school.

b. Hearing Procedures for Reassignments

The student and parent shall be provided an opportunity to participate in a hearing to be conducted by the Division Superintendent regarding such reassignment. Written notice to the student and the parent shall be provided if the student will be required to attend an alternative 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. Following the hearing, the Division Superintendent shall promptly notify the parent and the principal of the decision and the basis for the decision, noting the parent'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.

11. 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 criminal 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.

12. 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.

13. 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 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 Division Superintendent no earlier than eight months, but not later than ten months, after the date of expulsion. The Division Superintendent 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.

14. Other Disciplinary Consequences

A student who engages in prohibited conduct may be subject to ongoing consequences, even after the student returns to school attendance following suspension or expulsion. Such consequences include, but are not limited to, reassignment to a different regular school or to an alternative educational program, probationary conditions, community or civic service, periodic drug testing, and restitution. School officials, at their discretion, may 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. Students, who have been found to be involved with illegal drugs, alcohol, and/or the illegal use of controlled substances, and who thereafter have been assigned to a Fairfax County school or educational program where other students are in attendance, will be required to submit to school officials: (i) a then-current, negative drug screen report from a qualified independent laboratory and (ii) satisfactory evidence of participation in a substance abuse treatment or educational intervention program as recommended by Community Services Board or another qualified professional. In lieu of a negative drug screen, school officials will accept satisfactory evidence that the student has enrolled and is participating in the recommended substance abuse treatment or educational intervention

program; thereafter, and until the student submits a negative drug screen report to school officials, the student must provide to school officials, on a weekly basis, satisfactory evidence that the student remains enrolled and participating in the treatment or intervention program.

Where a student successfully completes an intervention seminar in lieu of a disciplinary sanction, the student's disciplinary record shall contain the violation as well as note the student's completion of the intervention seminar; and, in such an event, no suspension shall be recorded.

School officials, at their discretion, may 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 order, including a probation order. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.

D. Guidance for Parents of Students With Disabilities Regarding Virginia Department of Education (VDOE) Regulations Related to Discipline

1. Prevention of Disciplinary Incidents

When a student's behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral interventions, strategies and supports, taking one or both of the following actions:

a. Develop IEP goals and services specific to the child's behavioral needs.

b. Conduct a functional behavioral assessment (FBA) and develop a behavioral intervention plan (BIP) to address the child's behavioral needs.

2. Short-Term Suspensions (Less than Ten School Days)

Students with disabilities may be disciplined in the same manner as non-disabled peers for up to ten consecutive or cumulative school days in the same school year.

3. Long-Term Suspension (More than Ten School Days)

If a student with disabilities is recommended for a suspension of more than ten consecutive or cumulative school days in a school year, the school shall conduct a manifestation determination review (MDR) and provide services to enable the student to participate in the general education curriculum and progress toward meeting the goals of his or her IEP. The MDR team meeting shall convene as soon as reasonably possible, but no later than the tenth day of suspension. On the same date on which FCPS decides to long-term suspend a student with a disability because of a violation of the code of conduct, FCPS shall notify the parents and provide them a copy of the procedural safeguards.

4. Consultation with the Student's IEP Team

Prior to making a decision to suspend or refer to the Division Superintendent a student with a disability, the principal of the school (or the principal's designee) shall consult with the student's case manager and/or other key members of the IEP team, review the student's IEP – including any BIP – and take into consideration any special circumstances regarding the student.

If any written statement concerning a disciplinary incident is requested of a student with a disability, school staff should consult with the case manager and review the IEP or 504 plan and ensure all necessary accommodations are provided to the student.

5. Manifestation Determination Reviews

In conducting a manifestation determination review (MDR), the school shall follow the procedures below:

a. Relevant members of the student's IEP team — as determined by the parent and school – shall comprise the MDR team.

b. The MDR team shall determine that the misconduct was a manifestation of the student's disability(causality) if either of the following two conditions is met:

(1) The conduct was caused by, or had a direct and substantial relationship to, the student's disability, or

(2) The conduct was a direct result of the failure of FCPS to implement the IEP.

c. In making a determination of causality, the MDR team shall consider all relevant information in the student's file and other factors including the student's IEP, placement, school evaluations, observations, and information supplied by the parents or school officials.

d. The MDR decision and written rationale should be made available to the appropriate hearings officer prior to the proceedings, whenever practicable.

e. If the MDR team determines the misconduct is related to the student's disability:

(1) The student shall be returned to the same or equivalent educational placement from which he or she was removed, unless:

(a) The parents and school officials agree to a change in placement; or

(b) Where applicable, the student is assigned by the Division Superintendent to an interim alternative educational setting for 45 school days for certain offenses relating to illegal drugs (such as marijuana), controlled substances, weapons, or serious bodily injury, in accordance with Virginia Administrative Code, 8VAC20-81-160, Section C.5.

(2) The student's IEP team must conduct a functional behavioral assessment (FBA) as soon as possible if one has not already been conducted, or update the FBA if one already exists. Based on the information in the FBA, the IEP team shall develop or update a behavioral intervention plan (BIP).

f. If the MDR team determines the misconduct is not a manifestation of the student's disability, further discipline may be considered by school officials in the same manner and for the same duration as for non-disabled students. However, special education services must be provided during the period of suspension and/or expulsion so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting his or her IEP goals.

g. If the parents do not agree to a change in special education placement or with the outcome of the MDR, they have the opportunity to request a local administrative review within FCPS.

The parent may also request an expedited due process hearing through the Virginia Department of Education according to the procedures outlined in the VDOE Special Education Procedural Safeguards Requirements (http://fcps.edu/it/forms/se4.pdf).

6. Protections for Students Not Currently Eligible for Special Education

A student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated the code of student conduct, may assert the protections for students eligible for special education prescribed by Virginia special education regulations if the school had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge that a student is a student with a disability – unless the parent did not consent to an evaluation, has refused services, or the student has been evaluated and determined not to be a student with a disability – under the following circumstances:

a. The parent expressed concern, in writing, to supervisory or administrative personnel or the student's teacher that the student is in need of special education and related services.

b. The parent has requested an evaluation of the student to be determined eligible for special education and related services.

c. The teacher of the student or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education department chair or his or her supervisor within FCPS.

7. Protections for Students Covered by Section 504 Plans

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a. When a principal recommends a suspension of more than ten school days, initiates a suspension that would accumulate to more than ten school days in a school year, or refers to the Division Superintendent a student with a disability who has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, the school shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend reassignment or expulsion.

b. The knowledgeable committee shall determine whether or not the misconduct has a causal relationship to the student's disability.

   A committee is not required to convene 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.

c. 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.

d. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as nondisabled peers.

e. The student shall not be entitled to receive continuing educational services during any period of suspension or expulsion.

f. The knowledgeable committee's determination shall be forwarded to the Division Superintendent, who reviews this information in consideration of further disciplinary action.

Legal Reference: Code of Virginia, Sections 2.2-3900, 9.1-110, 15.2-915.4, 16.1-260, 16.1-301, 16.1-305.1, 18.2-56, 18.2-60.3, 18.2-83, 18.2-85, 18.2-87.1, 18.2-265.1, 18.2-308.1, 18.2-371.2, 18.2-372, 18.2-390, 18.2-391, 18.2-433.1, 22.1-1, 22.1-78, 22.1-254, 22.1-254.1, 22.1-258, 22.1-276.2, 22.1-277, 22.1-277.07, 22.1-277.07-1, 22.1-279.3, 22.1-279.3:1, 22.1-279.6, 22.1-280.4, 54.1-3400

Virginia Administrative Code, 8VAC20-81-160

See also the current versions of:

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
Policy 1450	Nondiscrimination
Regulation 2102	First Aid, Emergency Treatment, and Administration of Medications for Students
Regulation 2111	Procedures for Conducting a Threat Assessment
Regulation 2150	Prevention of Alcohol and Other Drug Use by Students
Regulation 2152	Tobacco and Smoking Device Violations by Students
Regulation 2234	Student Absences and Attendance Regulations
Policy 2601	Rights and Responsibilities of Students
Regulation 2604	Rights of Adult Students
Regulation 2606	Teacher Removal of Students From Classes
Regulation 2610	Rules of Conduct and Disciplinary Procedures
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
Regulation 2613	Student Dress Code
Regulation 2616	Questioning of Students by Police
Policy 2701	Student Personal Data
Regulation 2701	Student Personal Data

Regulation 4411	Procedures for Responding to Student Threat or Physical Assault Against a Fairfax County Public Schools (FCPS) Employee
Regulation 4950	Sexual Harassment
Regulation 4952	Investigation of Complaints of Discrimination or Harassment Based on Race, Sex, Color, Religion, National Origin, Age, or Disability
Regulation 5810	School Activity Funds Management
Regulation 6410	Appropriate Use of Fairfax County Public Schools' Network and Internet Resources
Regulation 8617	Student Transportation–Eligibility, Routes, and Schedules
Websites	https://www.fcps.edu/about-fcps/policies-regulations-and-notices https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program
Forms	SS/SE-227, Nontraditional School Programs Elective Placement Referral Form

Definition of SR&R Terms Used Throughout Regulation

Alcohol and Other Drug (AOD) Intervention Seminar	An intervention seminar that provides up-to-date facts about the potential impact of drug and alcohol use, as well as open discussions about the choices that lead to drug use, the impact these choices can have on the student, friends, and other members of the family, and strategies for responding to peer pressure. The seminar is designed to allow ample time for the student to also work on school related assignments, with assistance from teachers in the program.
Bullying	Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.
Controlled Substances	Drugs or substances found in the Drug Control Act (Section 54.1-3400 of the Code of Virginia), including all prescription drugs, regardless of whether the drug 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 drugs for pain, depression, hyperactivity, or attention deficit disorders.

Day	Means a school day unless the context requires otherwise.
Discriminatory Harassment	Verbal, electronic, or physical action that denigrate or show hostility toward an individual because of his or her race, color, religion, national origin, gender, disability, sexual orientation, gender identification, genetic information, or any other characteristic protected by federal and/or state law. Harassment may create an intimidating, hostile, or offensive learning environment, and/or interfere with an individual's academic performance.
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 (that is, regional assistant superintendent, hearing officer, or assistant superintendent or any other administrative staff member authorized to act in that capacity).
Drug 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)
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 (including a prescription drug).

Imitation Marijuana	A substance which bears a likeness to or is represented to be marijuana.
Inhalant	Any substance that gives off vapors or fumes and that is inhaled for a high.
Letter of Agreement	A written agreement which may be offered by the Division Superintendent's hearing officer to a student whom the hearing officer is recommending for expulsion. If the agreement is signed by the student's parent and accepted by a School Board committee, the student is assigned to an alternative education program during the term of the expulsion, and the student's case is concluded without a further hearing.
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.
Marijuana, synthetic	A substance which is a controlled substance. On occasion, this substance is referred to as "Spice; K-2; or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances which bears a likeness to, or is represented to be, cannabimimetic agents or synthetic marijuana.
Nonprescription (Over-the-Counter Drug)	Any drug that can be obtained legally without a doctor's prescription.
Parent	"Parent" means any parent, guardian, legal custodian, or other person having control or charge of a child.
Possession	The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.
Prescription Drug	Any medication that requires a doctor's prescription.
Principal	The principal, any assistant principal, or, in their absence, the designated teacher in charge.
Records review	A meeting conducted by the regional assistant superintendent at the request of the principal, to which the parent and student are invited to participate, for the purpose of reviewing the student's disciplinary record and interventions to date in order to further address the student's conduct issues.
Referral to the Division Superintendent	Referral to the Division Superintendent means a decision which is made by the principal in order for there to be consideration of student disciplinary action greater than a short-term suspension. Where the principal makes such a referral, the Division Superintendent will conduct a hearing to determine based on the facts whether additional disciplinary consequences (to include one or more of the following: a long-term suspension, a reassignment, or a recommendation to the School Board for expulsion) are appropriate in accordance with this SR&R. In

	conducting this hearing, the Division Superintendent also will determine whether the short-term suspension imposed by the principal is warranted. When making a referral to the Division Superintendent, the principal may choose to recommend a specific disciplinary action, provided, however, that whether or not the principal recommends a specific disciplinary action, the Division Superintendent has authority to take one or more of the following actions in accordance with the SR&R: determine that no disciplinary action is warranted, confirm a short-term suspension, impose a long-term suspension, effect a reassignment, and forward a recommendation to the School Board for expulsion.
Restorative Behavior Intervention	An intervention that provides opportunities for students to learn about and understand thinking errors that may lead to making poor choices and the impact their behavior has on others. Students will learn conflict resolution skills, self-reflection and non-violent communication skills. The student is given time to work on school related assignments, with assistance from teachers in the program.
Restorative Justice Conference	A restorative justice conference brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.
School Board	The Fairfax County School Board or a designated committee thereof.
School Day	Any day school is in session.
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.
Sexual Harassment	Harassment that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.
Short-Term Suspension	Disciplinary action that denies school attendance for a period not to exceed ten days.
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	An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is

	considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.
Weapon	Any item so defined in the text of this regulation. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

NOTES

Attention Parents!
View more information about Student Rights and Responsibilities online at www.fcps.edu/srr

Nondiscrimination / Americans with Disabilities Statement

The Department of Human Resources director of the Office of Equity and Employee Relations has been designated to handle inquiries and complaints regarding nondiscrimination policies (e.g. Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the ADA 1990/ADA Amendments Act of 2008).

To file a complaint of discrimination, request disability or religious accommodations, or obtain additional information, please visit the Office of Equity and Employee Relations online or contact them directly at: 571-423-3052

8115 Gatehouse Road, Suite 2100, Falls Church, VA 22042
For Deaf and Hard of Hearing - Dial 711 for access to Telecommunication Relay Services (TRS)

Please contact the following for information regarding matters relating to Section 504 of the Rehabilitation Act of 1973 and equal access to FCPS facilities:

Section 504:

571-423-1304

8270 Willow Oaks Corporate Drive, Fairfax, VA 22031

Dial 711 for access to Telecommunication Relay Services (TRS)

Due Process and Eligibility:

571-423-4470

8270 Willow Oaks Corporate Drive, Fairfax, VA 22031

Dial 711 for access to Telecommunication Relay Services (TRS)

Facilities:

Design and Construction Services

571-423-2280

8115 Gatehouse Road, Suite 3500, Falls Church, VA 22042

Dial 711 for access to Telecommunication Relay Services (TRS)

Fairfax County Public Schools
Fairfax, Virginia

Department of Special Services
Office of Intervention and Prevention Services
Student Safety and Wellness Office

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