



STUDENT Rights & Responsibilities

Grades K-12 | 2020-21

A GUIDE FOR FAMILIES

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





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

August 2020

Dear Parents and Families,

On behalf of Fairfax County Public Schools (FCPS), I welcome you and your children to the 2020-21 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 know that we are best able to serve all students equally well when we establish strong working relationships with parents. We recognize that the 2020-21 school year will be unlike any other as we begin the school year in a virtual setting. We understand that there are significant academic and social/emotional challenges to our students learning remotely. We have strengthened our digital learning model so that we can provide an even more rigorous and engaging virtual-learning program with greater connections for all students at all grade levels. Remember, the expectation for student behavior under the Student Rights and Responsibilities (R2601) applies in either setting, both on school grounds as well as the virtual classroom environment.

The 2020-21 *Student Rights and Responsibilities: A Guide for Families* explains expectations for student behavior and adult responses to enhance school safety and to create a fair, equitable and supportive school environment. We believe that students learn best when expectations for behavior are clear, consistent and fair, are age appropriate, and build on strong student teacher relationships. Through such interventions as the restorative justice process, our disciplinary response aims at striking the correct balance between supportive interventions as well as consequences to ensure all students have every opportunity to learn from their mistakes and do not repeat them moving forward. Disciplinary practices in FCPS focus on prevention of problem behaviors and provide a leveled system of responses to many discipline incidents that uses instructional, restorative and age-appropriate interventions before resorting to removing students from class or from school.

We want your child to be part of a responsive, caring, and inclusive culture where everyone feels valued, supported, and hopeful. It is our goal that every child is reached, challenged, and prepared for success in school and in life. Collaboration with parents is essential to reaching this vision. Therefore, we ask that you use this document as a framework for discussing these expectations with your child so that he or she is well prepared for success when the 2020-21 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/srr. It will be updated during the year, if necessary.

- Please sign the Parent Signature Sheet found on the next page to acknowledge that you have received this document, as required by law.
- Please return the signed signature sheet to your child's school by October 30, 2020.
- You may acknowledge the receipt of this document virtually by accessing the link on your child's school's webpage.

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. Please contact your child's teacher or principal should you have questions about this document or if we can be of assistance to you.

Sincerely,

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



IMPORTANT

PARENT AND/OR GUARDIAN SIGNATURE SHEET

Please sign and return this form to your child’s school by October 30, 2020.

By signing and returning this page, you acknowledge that you have received the *Student Rights & Responsibilities: A Guide for Families* for 2020-21. This booklet is required by law and contains the following:

- 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)
- Standards of Student Conduct, Interventions, and Consequences in Regulation 2601.34P (Appendix D)

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 Teacher or Counselor

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
October 30, 2020**

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- Acceptable Use Policy for Student Network Access
- Standards of Conduct for Students Riding Buses
- Code of Virginia
- Regulation 2601.34P (Students Rights and Responsibilities)

Important Contact Information

The following numbers are for offices within Fairfax County Public Schools that can assist parents when questions or concerns arise. The numbers outlined in the box are for community resources that can assist with crisis and mental health concerns.

Equity and Student Conduct	571-423-4274
Student Safety and Wellness	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
Family and Student Ombudsman	571-423-4014
Title IX Coordinator (Gender Equity)	571-423-3070
School Safety and Security	571-423-2000

Regional Assistant Superintendents:

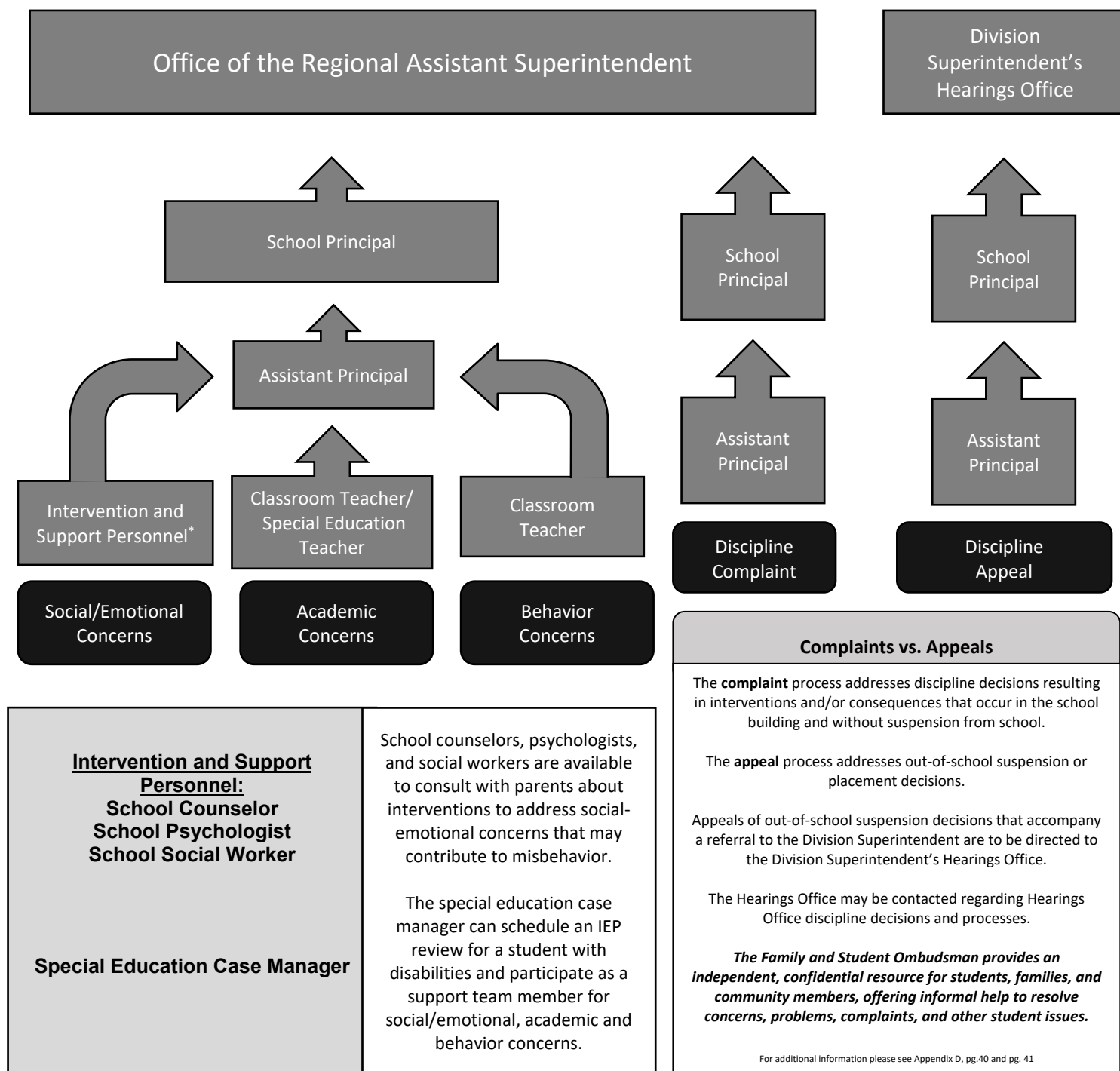
Region 1	571-423-1110
Region 2	571-423-1120
Region 3	571-423-1130
Region 4	571-423-1140
Region 5	571-423-1150

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

WHO DO I CONTACT?

Please refer to the flowchart below to determine who to contact if you have a concern or need support.



Questions or concerns regarding your options?

Office of Equity and Student Conduct (571-423-4274)

Additional support information can be found in the Parent Advocacy Handbook at

<https://www.fcps.edu/parentadvocacyhandbook>

Student Rights and Responsibilities

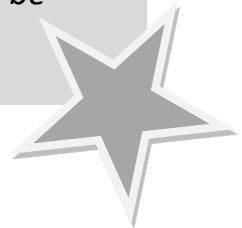
A Guide for Families

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, in both the classroom and virtual environment, 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 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 student 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 at school directly impacts academic success and school safety. Please read this guide and 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 standard; lead healthy, ethical lives; and be responsible and innovative global citizens.



The Fairfax County School Board is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with parents is essential to reaching this vision.

Disciplinary practices in FCPS focus on prevention of problem behaviors and provide a leveled system of responses to behavior and discipline incidents that uses instructional, restorative, and age-appropriate responses. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. 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.

Fairfax County Public Schools uses a Multi-Tiered System of Support to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.

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 alongside social and emotional skill development through a positive behavior approach.***
- ✓ ***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 concern or 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 concern or 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

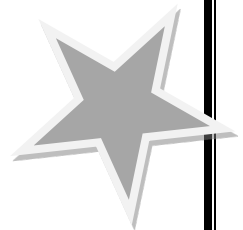
FCPS expects students to balance expression of their *rights* with observance of their *responsibilities*. Even the youngest children can demonstrate accountability by treating others fairly and following the rules.

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.*
- ✓ *Request access to social, emotional, and behavioral supports when needed.*

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

- **In school buildings**
- **On school grounds**
- **In virtual classroom environments**
- **On buses and other school vehicles**
- **At bus stops**
- **On the way 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. Expectations for student behavior, as well as skills for resolving conflicts, managing emotions, and getting along in the classroom are taught to students throughout the year. Children are encouraged and coached each day on how to work with others. When you also speak to your child about treating others with kindness, and keeping school a safe, drug free, and caring place, it can have a huge impact on his or her behavior. When there is a problem at school, the principal will try to reach you to work with you to improve the behavior. **Please be sure the school has your current phone number at all times.**

Attendance

School attendance is a critical component in a child's academic success.

Did you know?

- Chronic absenteeism (missing 18 or more school days per year) is a primary cause of lower academic achievement even when the absences are "excused" or understandable.
- Regular school attendance in elementary school improves the chances that a child will read on grade level.
- Students who attend 90 percent or more of the school year are more likely to graduate from high school on time.
- Absences can be a sign that a student is losing interest in school, struggling with school work, dealing with peer conflicts, or facing some other potentially serious difficulty.

At the 5th unexcused absence, the school will contact the parents and/or guardians to develop an attendance plan. If a student accumulates 10 or more unexcused absences, an attendance conference will be scheduled and the attendance officer will be notified.

Help is Available:

Parents and/or guardians are encouraged to contact their child's school if they are concerned that their child is not regularly attending school.

For additional information on school attendance, please visit www.fcps.edu/attendance

Vaping

The National Center on Addiction and Substance Abuse defines vaping as, "the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device." Though it may look like water vapor, the aerosol actually contains many toxic chemicals which have been linked to cancer, as well as respiratory and heart diseases.

E-cigarettes are known by many other names, such as e-hookahs, mods, Juul pens, or vape pens.

The Juul "pen," which looks like a flash drive, has become very popular with teens. A Juul "pod" contains the nicotine of 20 cigarettes, and rates of addiction to vaping are very high.

Please let your child know that vaping is **not** safe, and that you do not want them to start.

Vapor products are not allowed on school grounds or at school sponsored activities. Students who are found to possess, use, or distribute vapor products will be subject to discipline as outlined in Regulation 2601.34

*For additional information, please visit
<https://www.centeronaddiction.org/> or www.cdc.gov
search for "vaping" or "juuling" on www.fcps.edu.*

Digital Citizenship and Social Media

Students are expected to be responsible members of society and to display good digital citizenship at all times. Social media is a powerful platform for engaging students and including them in conversations that affect their ability to thrive in school and life.

When using social media to interact with Fairfax County Public Schools, students are expected to:

- Be polite.
- Refrain from using profanity and racial or ethnic slurs.
- Remain respectful.
- Only tag @fcpsnews on tweets which contain appropriate messaging.
- Remember that once a message is online, it can't be taken back.
- Only represent themselves when messaging. Creating fake FCPS social media accounts is not acceptable.
- Remain truthful in their messaging.

School administrators may be notified if a student conducts him- or herself inappropriately when communicating with the school division or others via social media.

Administrators and/or other FCPS staff members may be notified if it appears that a student may be in crisis.

If you or someone you know is in crisis, please text NEEDHELP to 85511, call 1-800-273-TALK, or dial 911.

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.

- Cyberbullying refers to any threats by one student toward another typically through e-mails or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages intended to harm others is a form of bullying.

“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

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

Discrimination, Discriminatory Harassment, Sexual Misconduct and Retaliation

FCPS Commitment

FCPS is committed to responding to all complaints of discrimination in a manner that stops the discrimination, prevents it from happening again, and helps support the person who was discriminated against to make sure that any harm done by the discrimination is addressed. All students have a right to attend school and not fear the interruption of their education by others who behave in a discriminatory manner.

Discrimination

Discrimination is treating someone unequally based on a certain characteristic in a way that interferes with a person's education and/or academic performance. Discrimination based on a person's race, color, religion, age, marital status, genetic information, national origin, mental or physical disability, or protected veteran status is strictly prohibited. Sexual harassment is prohibited by Regulation 2118.

Discriminatory Harassment

Discriminatory harassment is verbal, physical, written, graphic, or electronic conduct that disparages or shows hostility toward an individual or group of individuals based on a certain characteristic (referenced above). Examples of discriminatory harassment include: epithets, slurs, negative stereotyping, jokes, written, printed or graphic material that contains offensive, demeaning, or degrading images or comments. Discriminatory harassment may create an intimidating or offensive learning environment that interferes with a student's education and/or academic performance.

Sexual Misconduct

Sexual misconduct includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature.

Retaliation

Retaliation against individuals who report or participate as witnesses in the investigation of a discrimination, harassment, and/or sexual misconduct complaint is strictly prohibited. Retaliation means any adverse action taken against a person for making a report of discrimination, harassment, and/or sexual misconduct; or participating in any activity related to the complaint. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage someone from reporting or participating in a discriminatory harassment or sexual misconduct investigation.

For more information about discrimination, the FCPS Title IX response, the FCPS discrimination and sexual harassment regulations, contact the Title IX Coordinator at titleixcoordinator@fpcs.edu, or 571-423-3070.

Important Topics A-Z

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. Discussion about dress code violations shall be held privately and maintain the dignity of the student.

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 private parts or show an excessive amount of bare skin.
- Contain studs
- Include hats or other head coverings unless worn for significant religious, cultural, or medical purpose.

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, including THC-A or cannabidiol oil with authorization from a licensed practitioner, 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 incidents that may be a felony: 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). In most situations, the SRO or other police officer will contact the parents before questioning a child. 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. ***Except as noted above, the SRO is not involved in school discipline matters.***

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.

Restorative Justice

A formal process facilitated by trained and skilled facilitators which brings together students involved in wrongdoing and those impacted to discuss the incident, understand who has been affected, and to create an agreement for reparation of harm.

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.

Interventions and Disciplinary Procedures

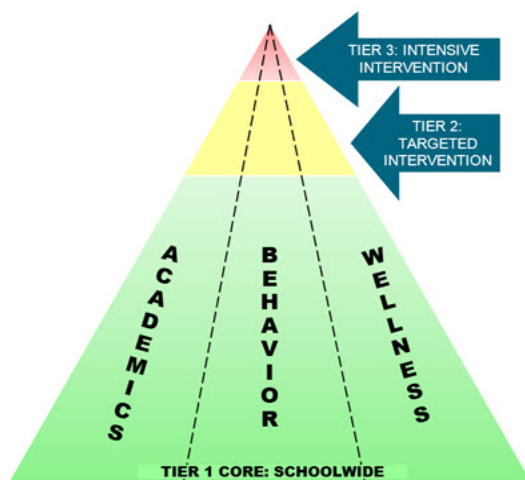
Principals, teachers, and parents work together to teach students what behavior is expected in school. Students learn throughout the year that caring for and helping others in the school, and working together can make school a positive place to learn, to make mistakes, and to explore new ideas. Students 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/or guardians and teachers to help the student learn new behaviors or new ways to express strong emotions.

Teachers and school administrators use careful judgment and consider many factors including the age of the child, how the child has responded to past interventions, and whether an action hurt another person in determining when students need help with behavior, and if so, what administrative responses are appropriate. Fairfax County Public Schools uses a Multi-Tiered System of Support to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.

FCPS is committed to the consistent and equitable implementation of discipline policy, regulations, and practices across all schools and educational programs. The charts in Chapter II of Appendix D outline leveled responses, typically utilized by administrators as a guide, when addressing student behavior. The levels include social-emotional, behavioral, and academic supports provided by the school, working with you. In any given situation, based on unique circumstances, the principal may provide responses and interventions from other levels to best address student needs.



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



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.

Responses 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 responses that take place at school before considering out-of-school suspension. These responses may include:

- Use of a positive behavior approach
- Reteach desired behavior
- Restructure classroom practices based upon needs
- Address social skills and emotional skills that may contribute to behavior
- Private admonition and counseling by the teacher
- Counseling by another member of the staff
- Parent/Teacher/Administrator/Student conference
- Change in seating
- Restorative practices or conference
- Behavior contract/chart
- After-school detention
- Lunch detention
- Temporary removal of privileges such as parking, senior privileges, teams, clubs, and other school-sponsored activities
- Temporary removal from class
- Functional Behavior Assessment (FBA)/Behavior Intervention Plan (BIP)

In chronic or very serious situations, such as bringing a gun, distribution, repeated possession, or use of drugs on school grounds, the principal must submit a referral to the Division Superintendent. The principal may also make a referral to the Division Superintendent for other serious offenses, depending on the circumstances of the situation. 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.

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 SRO when necessary to ensure student and staff safety.
- The principal will attempt to contact the parents as soon as possible and before questioning the student.
- Students will have a chance to talk with the principal about what happened. The SRO is not present while the principal speaks to students, unless there is a safety concern. The principal will not ask the student for a written statement or continue with questioning the student before notifying a parent. After notifying 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.

- 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.

Police Involvement:

- FCPS and local law enforcement agencies have a signed agreement that outlines the role and responsibilities of SROs in the schools. This agreement can be found at <https://www.fcps.edu/node/36886>.
- For some serious, dangerous situations, the law requires that the principal immediately notify the police.
- An SRO may be called by an administrator to provide security, protection, or handling of contraband.
- 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.
- Unless there is an immediate risk of danger, the SRO shall take immediate steps to contact parent before any questioning of a student.

Full information about each of the following procedures is found in Regulation 2601.34P, located in the Appendix.

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.

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 the hearing officer's reassignment decision to the School Board, which will review the appeal on the written record.

Alternative Education Programs

A student may be referred to a nontraditional FCPS program that provides intensive supports to students with behavioral and academic difficulties, or a history of absenteeism. 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 the parent consider an alternative program, and will help make the referral for voluntary placement if agreed upon.

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 a hearing 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.

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 40 for information on how to appeal a decision to suspend, and page 46 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 4.
- Title IX and discrimination complaints: Please contact the Title IX coordinator at 571-423-3070.
- 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. Concerns about access to facilities and compliance with the Americans with Disabilities Act can be addressed to Design and Construction Services at 571-423-2280.
- The Office of the Ombudsman is available to talk with parents and students as a confidential, informal, independent, and impartial resource. If you need additional help navigating the school system, contact the Office of the Ombudsman at 571-423-4014 or ombudsman@fcps.edu.

General Disciplinary Procedures

Behavior Incident Occurs

The principal or nearest staff member will take appropriate action to stop the incident and the principal will begin the investigation to determine next steps

The student is given the opportunity to explain what happened; *if* the infraction may lead to a referral to the Division Superintendent, the administrator will make reasonable and timely efforts to notify the parent/guardians before continuing the investigation

Written statements are voluntary

The principal will decide appropriate interventions and sanctions based upon the investigation outcomes, notify parents/guardians of the decision, and document outcomes in the student information system

Examples of School-Based Interventions/Sanctions

SCHOOL-BASED INTERVENTIONS

- *Re-teach expected behavior with required practice
- *Student/teacher conference and reflection on behavior
- *Admin/parent conference
- *Parent attends one day of school with student
- *Behavior contract
- *Conflict resolution with school counselor
- *Referral to school psychologist or school social worker
- *Substance Abuse Program specialist referral
- *Restorative justice intervention
- *Referral to community resources

SCHOOL-BASED SANCTIONS

- *Admonition and counseling
- *After-school detention
- *Loss of privileges for a fixed period of time
- *Probationary conditions
- *Removal from class
- *Alternative Instructional Arrangement (AIA)
- *In-School Suspension (ISS)

Complaints regarding an in-school intervention/consequence can be addressed to the assistant principal, or principal and then region assistant superintendent. The ombudsman can also be contacted if needed.

Short-Term Suspension

- *Up to ten days depending on the behavior.
- *Parents are notified of the suspension in writing, which includes the infraction, start and end date of the suspension, and the right to appeal.
- *Students will have the opportunity to receive full credit for work performed when removed from the classroom.
- *Written appeals are directed first to the principal, then to the Division Superintendent/Hearings Office.

Referral to the Division Superintendent

- *Based upon the infraction, a student may be suspended out-of-school pending the hearing before the Division Superintendent.
- *When suspended out of school, a student is not allowed on any school property without specific permission.
- *A case manager from the Office of Out-of-School Support will be assigned to ensure the student has academic support during the suspension.
- *Written appeals are directed to the full School Board.

Special Education Considerations

- *Students with disabilities are ensured necessary accommodations when providing a written statement.
- *Students with an intellectual or developmental disability who may be suspended will not be asked for a verbal or written statement before a parent has been notified.
- *Prior to making a decision to suspend a student out-of-school, the principal will consult with the student's IEP team to review the IEP and take into consideration any special circumstances regarding the student.
- *10 or more cumulative days of out-of-school suspension requires a Manifestation Determination Review and an IEP meeting to propose day 11 services or complete an FBA/BIP.

Guidance for Parents of Students with Disabilities

Regarding Virginia Regulations Related to Student Discipline

Prevention and Early Intervention

School officials understand that some students who have an individualized 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, school psychologist, or school 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, or your child has been suspended repeatedly, 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.
- When a disciplinary incident involving a student with an intellectual or developmental disability may result in a suspension of any kind, school staff shall not request a statement from the student until a parent has been provided notice.
- 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 a "manifestation." If the answer to both questions is "no" then the finding is "not a manifestation." The findings are sent to the Division Superintendent. If the MDR team determines that the behavior was a manifestation, and did not involve serious harm to a victim or create a threat of serious harm to a future victim, the principal will withdraw the referral to the Division Superintendent and there will be no hearing. If there is a victim or potential victim, a hearing will be held so that suitable safety measures and protective measures may be considered.

- **Manifestation:** 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 school he or she had been attending, or may be placed in another school where the same services are available unless:
 - The parents and school officials agree to a change in placement. 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 school division institutes an expedited special education due process proceeding to change the student's placement.
 - The student's IEP team must conduct a 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.
- **Not a Manifestation:** If the MDR team determines the misconduct is *not* a manifestation of the 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 participating in the general education curriculum and progress toward meeting the 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

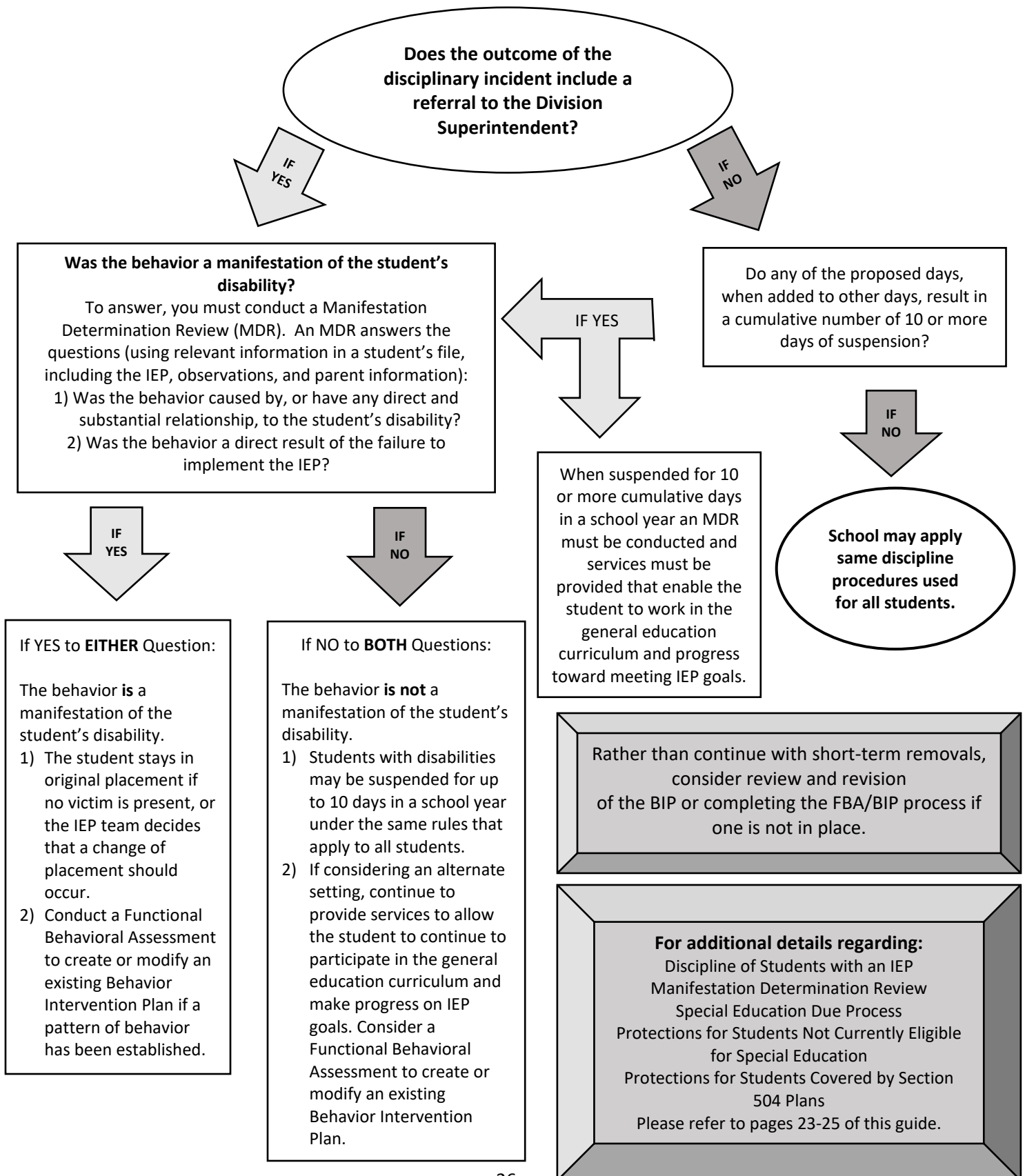
When a principal suspends a student who has a 504 plan for more than 10 days in a school year or refers the student to the Division Superintendent, the school will convene a knowledgeable committee as soon as possible but no later than 10 days after the decision to suspend or refer to the Division Superintendent. 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 2601.33P, located in the Appendix.

Special Education Disciplinary Procedures



Glossary

Aggravating Circumstances

Special circumstances that allow FCPS to suspend for longer periods of time than are provided in guidelines. These include serious harm, credible threat of serious harm or the safety of students or staff, or persistent serious behavior that continues even after targeted interventions.

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 age, race, color, religion, national origin, marital status, disability, or any other legally protected class. Harassment may create an intimidating, hostile, or offensive learning environment, and/or interfere with an individual's academic performance. Sexual harassment is prohibited by Regulation 2118.

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 form, other than THC-A or cannabidiol oil, provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.

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 certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement and security services to FCPS schools.

Short-Term Suspension

Disciplinary action that denies school attendance for a period not to exceed ten days (Up to 3 school days for grades K-3 unless specified misconduct has occurred. Up to 5 school days for grades 4-12, unless accompanied by a referral to the Division Superintendent).

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.

Vaping The act of inhaling and exhaling an aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device such as e-hookahs, mods, Juul pens, or vape pens.

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 2601.34P**

Appendix A:

Acceptable Use Policy for Student Network Access

The information systems and internet access available through FCPS are provided in order to support learning, enhance instruction, and support school system business and educational practices.

FCPS information technology systems are operated for the benefit of all users in connection with the core mission of FCPS—the education of its students. The use of the FCPS network is necessary to provide all students with access, support, and opportunities to use provided tools and resources; and for students to interact with other students, teachers, and class content to support and enrich their learning experience. Users are prohibited from taking, or attempting to take, any action that might reasonably be expected to disrupt the operation of the network or equipment and/or interfere with the learning of students or the 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, suspend, 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. Disabling student access to FCPS instructional technology tools is a serious action that will be taken only when warranted.

Students are advised that the inappropriate use of FCPS technology resources is a violation of student disciplinary rules, regardless of whether the inappropriate use occurs on school property or during the school day. As such, schools will respond to instances of inappropriate use by following normal disciplinary procedures, just as they would if the incident occurred in the physical classroom. Disciplinary action for inappropriate use of the FCPS network, systems, or devices may be imposed as stated in the FCPS Student 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 digital citizenship, personal safety practices, and effective techniques for identifying and evaluating information and its sources.

FCPS Instructional Environment

Students have the right to physical and virtual educational environments that are consistent with the characteristics outlined in the FCPS SR&R document. These rights include:

- The right to be treated with respect in online learning environments. Students who do not feel they are being treated with respect should talk to their teacher or the principal.
- The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. Students may talk to their teacher or principal if they feel that a school decision is not fair.
- The right of a student to give his or her version of events when accused of violating this Acceptable Use Policy.
- The right to access, support, and opportunities to use the provided technology tools and resources that support learning.
- The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments.

Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

Respect for Others

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

- Using or not using devices as directed by the teacher.
- Being considerate when using school resources.
- Always logging off devices or apps after finishing work.
- Not deliberately attempting to disrupt system performance or interfere with the work of other users.
- Leaving equipment and rooms in good condition for the next user or class.
- Not accessing, changing, or deleting files belonging to others that are not explicitly shared with you.

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 share passwords or to otherwise 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.
- Cite and credit all material used, including Internet material.
- Only use software or apps on FCPS devices or network that have been approved and that the school may legally use. Duplicating or modifying copyrighted software in violation of a license agreement is a serious offense that may result in student discipline.
- Use the FCPS technology resources in a manner that is consistent with the educational mission of the school system.
- Help maintain the integrity of the school information systems. Tampering or experimentation is not allowed; this includes the use of the FCPS network and resources to illicitly access, tamper with, or experiment with systems inside and outside FCPS.
- Help maintain a safe, positive, and trusting learning environment by not using offensive, obscene, or harassing language when on the FCPS network and/or FCPS devices.

Digital Citizenship and Security

- Users may not post information if it violates the privacy of others, jeopardizes the health and/or 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.
- Users may utilize real-time messaging and online chat only within approved instructional apps or with the permission of the teacher or principal.
- Students are not to reveal personal information (last name, home address, phone number) in correspondence with unknown parties.
- Users shall accept the responsibility for all material they access.
- Users are responsible for reporting any inappropriate material they receive.
- Users are prohibited from accessing any 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 publicly-accessible web pages shall reflect the mission and character of the school.
- Users are prohibited from viewing, sending, and accessing illegal material.
- Students are prohibited from downloading inappropriate or illegal material on FCPS computers or networks.
- Users may not modify or rearrange keyboards, monitors, printers, or any other peripheral equipment.
- Users should report equipment problems immediately to a teacher or principal.
- Users should leave desktop workstations and peripherals in their designated places.

- To ensure student safety and compliance with this Acceptable Use Policy, FCPS reserves the right to monitor and investigate users' online activities as needed. This includes accessing, reviewing, copying, storing, or deleting any communications or files so they can be shared with adults as necessary and as permitted or required by law. Users should have no expectation of privacy regarding their use of FCPS equipment, network, Internet access, files, or e-mail access.

Personally-Owned Computing and/or 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 services) while on FCPS premises.
- When applicable, appropriate virus-checking software must be installed, updated, and made active prior to any personally owned 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 for storing, supporting or troubleshooting student-owned devices.
- 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.
- FCPS reserves the right to monitor and investigate all devices and activities on the FCPS network. The device may also be confiscated by school officials in accordance with the SR&R.

See also the current versions of:

Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources Regulation 2601, Student's Rights and Responsibilities Booklet

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

Students Must:

- Be at their bus stops at least five minutes before the regular pickup time, but no earlier than ten minutes before the pickup time. Remain at the 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, (such as 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 and/or 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 2601.34P

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 2601.33P

I. INTRODUCTION

The Fairfax County School Board is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with parents is essential to reaching this vision.

Disciplinary practices in FCPS focus on prevention of problem behaviors and provide a leveled system of responses to behavior and discipline incidents that uses instructional, restorative, and age-appropriate responses. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. 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.

This regulation explains expectations for student behavior, parent engagement, and adult responses to enhance school safety and to create an equitable, supportive school environment.

II. 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.

III. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Regulation 2610 has been renamed 2602.
- B. Section IV, new distribution protocols are outlined.
- C. Chapter 1.A., clarifying attendance language was added.
- D. Chapter 1.C., Dress Code language updated to reflect state code, establish gender neutrality and specify additional prohibited symbols.
- E. Chapter 1.D., renamed Digital Citizenship and expanded to include broader language from Regulation 6410.

- F. Chapter 1.J., updated footnote 3 to include Title IX considerations.
- G. Chapter 1.J., added Title IX contact information for questions or concerns about reporting sexual harassment.
- H. Chapter I.K.4., deleted Ombudsman language as discrimination complaints should be addressed to the Title IX coordinator.
- I. Chapter II, Introduction, language was added to include social-emotional learning, multi-tiered system of support, restorative practices, and the term unbiased.
- J. Chapter II, Administrative Response Guide, clarifying language was added and charts were moved below Leveled Responses to Student Behaviors Charts.
- K. Chapter II, Leveled Responses to Student Behaviors Charts, updated to align with new state codes, footnotes 4 and 5 added, and charts moved above Administrative Response Guide.
- L. Chapter II, DV Code Key, removed due to changes in state codes.
- M. Chapter II.A., added the phrase as outlined in this regulation in three locations to clarify when certain sanctions can be imposed.
- N. Chapter II.A., footnote 10, added the word consecutive.
- O. Chapter II.A., removed the words sexual assault.
- P. Chapter II.A., added words violence toward others and changed threat assessment language from may to will.
- Q. Chapter II.A.1.a.(5)., added Title IX considerations to footnote 11, updated should to shall and deleted last sentence.
- R. Chapter II.A.1.b, removed sexual assault and battery and moved physical assault of a staff member into the paragraph.
- S. Chapter II.A.2., Restorative Behavior Intervention specialist updated to Restorative Justice practitioner.
- T. Chapter II.A.2.a.(8)., added footnote to address self-defense.
- U. Chapter II.A.2.b.(1-5)., renumbered footnotes, updated should to shall in footnote 14, and aligned language to meet Title IX considerations.
- V. Chapter II.A.3.a.(1)., updated parent AOD information.
- W. Chapter II.A.3.b and e., deleted last sentence of second paragraph.
- X. Chapter II.A.3.b.(1).(a)., removed the words sexual assault from footnote 15.

- Y. Chapter II.A.3.e.(1).(b)., added in lieu of a five day out of school suspension.
- Z. Chapter II.A.3.e.(1).(b).(ii)., changed to shall result in an out-of-school suspension for three days.
- AA. Chapter II.A.3.e.(2).(a)., added or imitation drugs.
- BB. Chapter II.B.1., updated to reflect mandatory reporting requirements to police.
- CC. Chapter II.B.6., updated parent notification to reflect reportable incidents as outlined in section B.
- DD. Chapter II.C.3., added words consecutive and for a violation in the first sentence.
- EE. Chapter II.C.7.c., added expanded requirement for appeal notification.
- FF. Chapter II.D., inserted information regarding 504 protections to introductory paragraph.
- GG. Chapter II.D.4., specified verbal or written statement and documentation requirements for parent contact.
- HH. Chapter II.D.5., clarified IEP team language.
- II. Chapter II.D.8., added with disabilities to the title, expanded language in 8.a. and 8.b. and added 8.e.
- JJ. Glossary, updated the Alcohol and Other Drug Intervention Seminar to reflect current Alcohol and Other Drug Intervention practices.
- KK. Glossary, updated the Discriminatory Harassment definition.
- LL. Glossary, updated the Sexual Harassment definition to reflect Sexual Misconduct.
- MM. Glossary, removed the Stalking definition.
- NN. Glossary, removed Restorative Behavior Intervention (RBI) definition.

IV. 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 current version of the Student Rights and Responsibilities (SR&R) shall be provided to each school and made available online by September 30 of each year. Additional copies may be duplicated as needed. With the documents made available online, parents who have a student enrolled in Fairfax

County Public Schools (FCPS) may request a printed copy at any time from their child's school's main office. Each new student who enters FCPS after the general distribution shall be given access to the document at the time of registration. Regulation 2602.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 rules of conduct shall be printed and made available online within one calendar month of the opening of school.

V. STUDENT AND FACULTY ORIENTATION

All principals¹ are requested to review the Student Rights & Responsibilities 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 regulation. This includes appropriate adaptations for students with special learning challenges or disabilities. Principals are encouraged to discuss with the regional assistant superintendents their plans for conducting student and faculty orientations and making booklets available to parents.

VI. 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.

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 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

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.

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

School attendance is required by law, as outlined in the Code of Virginia, for all enrolled students, ages five to eighteen. 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. The current version of Regulation 2234, Student Absences and Attendance Regulations, provides additional details, including how school absences and tardies are treated.

2. Chronic Absence

Chronic absence is missing more than ten percent of the school year for any reason, including illness or family emergency, suspensions, and unexcused absences. Missing school for any reason can impact learning, and chronic absence has been associated with below grade level reading skills, course failure, and dropping out of school. If a student is chronically absent, the school principal may contact the parents to develop a plan for improved attendance. The Virginia Department of Education now uses each school's chronic absence rate as one of the measures to determine school accreditation and school quality.

3. Unexcused Absences

An unexcused absence is an absence where (i) the student misses his or her scheduled instructional school day in its entirety and (ii) no indication has been received by school personnel within three days of the absence that the student's parent is aware and supports the absence, or (iii) the parent provides a reason for the absence that is unacceptable to the school administration. The school administration may change an unexcused absence to an excused absence when it determines that the parent has provided an acceptable reason meeting criteria for the student's absence or there are extenuating circumstances. 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.

4. 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 contact the parents and a plan will be developed. If the student continues to have unexcused absences in the same school year, and accrues

a total of ten unexcused absences, a conference will be scheduled and the attendance officer or attendance intervention specialist will be notified. If further unexcused absences occur in the school year the attendance officer may 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 <https://www.fcps.edu/current-employees/employee-resources/equity-and-employee-relations-eer/guidelines-religious>.

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, racist/culturally divisive, or obscene; or clothing that promotes illegal or violent conduct, such as gang symbols, Confederate flags, swastikas and KKK references, 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 private areas or an excessive amount of bare skin is prohibited. Examples of prohibited clothing include, but are not limited to: clothing that exposes undergarments, studded or chain belts, clothing constructed of see-through materials, and head coverings (i.e., hats) unless worn for a bona fide purpose (religious, cultural, medical). School administration may reach out to a student's family if clarification is needed regarding the purpose of a head covering.

School staff will resolve dress code infractions in a discreet and respectful manner and without any of the following: using any direct physical contact with the student or the student's attire or requiring any student to undress in front of another person. Dress code standards apply to all students. Students who are not compliant with the foregoing may be subject to counseling, loss of privileges, removal from class or activities, or disciplinary action.

The current version of Regulation 2613, Student Dress Code, provides additional details.

D. Digital Citizenship

Students have the right to safe, trusting, and positive physical and virtual learning environments. In accordance with Appendix A of the SR&R, these rights include: The right to be treated with respect in online learning environments. The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. The right to access, support, and opportunities to use the provided technology tools and resources that support learning. The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments. Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

FCPS expects students to be responsible members of society and to display good digital citizenship at all times. In such activities, students are to respect the rights of others and to refrain from the use of profanity or hateful messaging and cyber bullying in accordance with FCPS non-discrimination policy and the code of Virginia 18.2-152.7:1. Students are not to reveal personal information (last name, home address, phone number) in correspondence with unknown parties. Students may utilize real-time messaging and online chat only within approved instructional apps or with the permission of the teacher or principal. Students may not post information if it violates the privacy of others, jeopardizes the health and/or safety of students, is obscene or libelous, causes substantial disruption of school activities, plagiarizes the work of others, is a commercial advertisement. It is the responsibility of the student to: Use only his or her account or password. It is a violation to share passwords or to otherwise give access to an account to any other user. Depending upon the specific circumstances, failing to adhere to these standards can lead to consequences under the SR&R.

A more detailed outline of specific rights and responsibilities for students using FCPS Electronic devices and the FCPS network can be found in the current version of Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources.

E. Right of Expression and Limitations

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

1. Material that reasonably leads the principal to forecast substantial disruption of, or material interference with, school activities or that endangers the health or safety of students. A full definition of such material and the procedures to be used by the principal in making a forecast of disruption are contained in the current version of Regulation 2612, Regulations and Procedures Governing Freedom of Expression by Students.
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 Equity and Student Conduct Office.

F. Right to Distribute Literature

In high schools and middle schools, the student government shall coordinate the procedures for receiving and reviewing literature that students enrolled in the school want to display or distribute. In all schools, the material is subject to approval by the principal. The principal, in consultation with the student government, if feasible, shall determine adherence or nonadherence to the provisions of this section and the current versions of Regulation 2612, Policy 1365, Distribution of Materials, and Regulation 1367, Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions. 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.

G. Search and Seizure

1. General

Desks, lockers, and storage spaces, which are provided to students without charge, are the property of the school. The principal may conduct general inspections on a periodic or random basis and may open desks, lockers, or storage spaces and examine the contents, including personal belongings of students. Parents shall be notified of instances of general search or individual search of belongings.

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 2602), 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.

H. 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, Rights of Adult Students. 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 Virginia² 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.

I. School Records

Students have the right to accurate and complete school records, maintained in accordance with applicable federal and Virginia laws. Accurate and complete individual records shall be maintained for each student enrolled in FCPS. The current versions of Policy 2701, Student Personal Data, Regulation 2701, Student Personal Data, 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).
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, in accordance with applicable law.

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 §22.1-1.

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

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

J. The Right to Complain³

Students or parents 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.

If you have any questions or concerns about the right to complain contact the Ombudsman's office at ombudsman@fcps.edu. If you have any questions or concerns about the right to report sexual harassment, contact the Title IX coordinator at titleixcoordinator@fcps.edu.

1. Meeting with the Principal

If a student or parent 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. All staff shall report any observed or reported allegations of prohibited discrimination. The principal shall notify, the Title IX coordinator, 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.

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.4.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, Procedures for Hearings and Appeals to School Board. This section does not apply to situations involving reports of allegations of sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see Regulation 2118.

K. 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, including complaints about sexual harassment or gender-based discrimination (Title IX complaints), may be presented to the Title IX coordinator at titleixcoordinator@fcps.edu, (571-423-3070), 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 among 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. The partnership between schools and families promotes school safety, effective learning environments, and the social-emotional development of students. 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.

Administrators consider many factors when determining appropriate responses to student behavior, including, but not limited to, the student's age, developmental factors, and past response to interventions. Administrative responses and interventions are designed to understand and address student behavior, re-teach and reinforce school and classroom expectations for appropriate behavior, and prevent further behavioral issues. Fairfax County Public Schools use a multi-tiered system of support (MTSS) to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.

FCPS is committed to the consistent, unbiased, and equitable implementation of discipline policy, regulations, and practices across all schools, educational programs, and varying demographic categories. The discipline response chart below is utilized to increase consistency and guide principal decisions regarding discretionary consequences. Possible disciplinary sanctions for each level are defined and, when used, should be paired with an intervention from the same level or an earlier level as appropriate.

The following administrative responses to student behavior are provided as a guide for administrators but will in no event limit an administrator's ability to exercise discretion required to construct a response and intervention that, in his or her judgement, is appropriate under the totality of the circumstances presented. While reliance upon suggested levels may be appropriate when responding to many student behavior issues, FCPS recognizes that circumstances will arise which warrant an administrative response that varies from the table set forth below. Those circumstances include, but are not limited to, incidents in which the principal determines that the misconduct has substantially disrupted the instructional program, endangered the well-being of others, or followed school-based interventions initiated in response to prior violations.

In the event of a conflict between a provision of the chart and the narrative of the SR&R, the narrative shall govern.

Leveled Responses to Student Behaviors

X = aligns with state and local guidance for where leveled sanctions should begin

* = allows this level of sanction to be imposed at the principal's discretion as part of a progressive response

® = allows for a suspension up to 5 days. Also allows for a referral to the Division Superintendent; however, if a referral is made, the misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations

SBAR Code⁴	Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students	Level 1	Level 2	Level 3	Level 4	Level 5
BAP1	Interfering with learning in the classroom (talking, excessive noise, off task, out of seat, possessing items that distract)	X	X	*	®	
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X	*	®	
BAP3	Scholastic dishonesty (such as cheating, plagiarism)	X	X	*	®	
BAP4	Unexcused tardiness to class	X	X			
BAP5	Unexcused tardiness to school	X	X			

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO1	Altering an official document or record	X	X	*	®	
BSO2	Giving false information to staff; misrepresentation	X	X	X	®	
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X	®	
BSO4	Failure to be in one's assigned place on school grounds	X	X			
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	X	X	X	®	
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X	®	
BSO7	Dress Code violation	X	X	*		
BSO8	Gambling (games of chance for money or profit)	X	X	*	®	
BSO9	Possessing items that are inappropriate for school, but do not endanger others (examples include toys, literature, electronics)	X	X	*	®	
BSO10	Possession of stolen items, other than prescription medication	X	X	X	®	
BSO11	Unauthorized use of school electronic or other equipment	X	X	*	®	
BSO12	Violation of the Acceptable Use of Technology/Internet policy	X	X	X	®	
BSO13	Violation of School Board policy regarding the possession or use of portable communication devices	X	X	*	*	
BSO14	Vandalism, graffiti, or other damage to school or personal property	X	X	X	*	

⁴ SBAR Codes are the student disciplinary reporting codes established by the Virginia Department of Education.

SBAR Code	Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done)⁵	Level 1	Level 2	Level 3	Level 4	Level 5
RB1	Bullying with no physical injury	K-6	X	X	®	
RB2	Cyberbullying	K-6	X	X	®	
RB3	Posting, distributing, displaying, or sharing inappropriate or obscene material or literature, including using electronic means	X	X	X	*	
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X	*	
RB5	Stealing money or property without physical force	X	X	X	®	
RB6	Speaking to another in an uncivil, discourteous manner	X	X	X	®	
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X	®	
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	X	X	X	®	
RB9	Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	K-6	X	X	®	
RB10	Failure to respond to questions or requests by staff	X	X	X	®	
RB11	Unwanted or improper physical contact	X	X	X	*	

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC1	Alcohol: Possessing or using alcohol		X ⁶	X	®	
BSC1a	Alcohol: Under the influence of		X ⁶	X	®	
BSC2	Alcohol: Distributing alcohol to other students		X ⁶	X	®	
BSC3	Drugs: Possessing drug paraphernalia		X	X	®	
BSC4	Drugs: Violating School Board non-prescription (Over-the-Counter) medication policy (see narrative)	X	X	X	®/*	

⁵ These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see Regulation 2118.

⁶ Required response for first time possession, use, or distribution of alcohol, inhalants, or non-alcoholic beer: up to a 2 day in-school suspension; voluntary completion of Alcohol and Other Drug intervention; parent information session; 7-14 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the wellbeing of others.

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC4a	Drugs: Violating School Board imitation drug policy		X ⁷		X	X ⁸
BSC5	Tobacco: Possessing tobacco products	*	X	X	®	
BSC5a	Tobacco: Using tobacco products	*	X	X	®	
BSC5b	Tobacco: Distributing tobacco/electronic cigarette products	*	X	X	®	
BSC5c	Tobacco: Possessing tobacco paraphernalia	*	X	X	®	
BSC5d	Tobacco: Possessing electronic cigarettes	*	X	X	®	
BSC5e	Tobacco: Using electronic cigarettes	*	X	X	®	
BSC6	Bullying behavior without physical injury that continues after intervention. Bullying that leads to physical injury should be classified as Assault and Battery	*	X	X	X	
BSC7	Cyberbullying that continues after intervention. Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences	*	X	X	X	
BSC8 ⁵	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment (includes age, marital, and military status)	*	X	X	X	
BSC8 a-d ⁵	Discriminatory Harassment: Harassment based on a person's (a) race, color, national origin, (b) religion, (c) disability, or (d) any other legally protected category	*	X	X	X	
BSC9	Bus: Distracting the bus driver	K-6	X	X	®	
BSC10	Bus: Endangering the safety of others on the bus	K-6	X	X	®	
BSC11	Fire Alarm: Falsely activating a fire or other disaster alarm	K-6	X	X	®	
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X	X	®	
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	X	X	X	®	
BSC14	Fighting that results in no injury as determined by the school administration	X	X	X	®	
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	K-6	X	X	*	
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X	X	®	

⁷ While exceptions may apply, the typical required response for first time possession or use of marijuana or prescription drugs (that are not prescribed to the student) or imitation drugs: 2 days in-school suspension; completion of Alcohol and Other Drug intervention; parent information session; 21 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the well-being of others.

⁸ Second or subsequent possession or use of marijuana (including THC oil) or a prescription drug not prescribed to the student, or imitation drugs, shall result in a referral to the Division Superintendent.

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC17	Minor shoving, pushing, striking, or biting a student with no visible injury	X	X	X	®	
BSC18 ⁵	Exposing body parts, lewd or indecent public behavior	K-6	X	X	®	
BSC19 ⁵	Physical contact of a sexual nature—patting body parts, pinching, tugging clothing	K-6	X	X	*	
BSC22	Stealing money or property using physical force (no weapon involved)		K-6	X	X	
BSC23	Stealing money or property or attempting to steal money or property using weapons or dangerous instruments					X
BSC24	Leaving school grounds without permission	X	X			
BSC25	Trespassing	*	X	X	®	
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another		*	X	®	
BSC27	Weapons: Possessing any weapon (other than a firearm) as defined by §18.2-308.1		K-6	X	*	
BSC27a	Possessing a machete, switchblade knife, or any other knife with a blade length of three inches or more					X

SBAR Code	Category E: Behaviors that Endanger Self or Others (BESO). These behaviors endanger the health, safety, or welfare of either the student or others in the school community	Level 1	Level 2	Level 3	Level 4	Level 5
BESO1	Assault: Intending to cause physical injury to another person	K-6	X	X	X	
BESO2	Assault and Battery: Causing physical injury to another person other than a staff member		X	X	X	
BESO2a	Assault and Battery: Causing physical injury to a staff member		K-6	K-6	K-6	7-12
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	*	X	X	®	
BESO4	Striking Staff: The use of force against a staff member when no injury is caused	K-6	X	X	X	
BESO5	Drugs: Possessing marijuana or THC oil		X ⁷		®	X ⁸
BESO5a	Drugs: Possessing schedule I & II drugs					X
BESO5b	Drugs: Possessing inhalants	*	X ⁶	*	®	
BESO5c	Drugs: Possessing unauthorized prescription medications		X ⁷		®	X ⁸
BESO5d	Drugs: Possessing your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO5e	Drugs: Possessing other drugs					X

SBAR Code	Category E: Behaviors that Endanger Self or Others (BESO). These behaviors endanger the health, safety, or welfare of either the student or others in the school community	Level 1	Level 2	Level 3	Level 4	Level 5
BESO6	Drugs: Being under the influence of controlled substances, illegal drugs, inhalants, or synthetic hallucinogens or unauthorized prescription medications		X	*	®	
BESO7	Drugs: Using marijuana or THC oil		X ⁷		X	X ⁸
BESO7a	Drugs: Using cocaine or Schedule I controlled substances (including ecstasy, LSD, and synthetic marijuana)					X
BESO7b	Drugs: Using inhalants	*	X ⁶	*	®	
BESO7c	Drugs: Using unauthorized prescription medications		X ⁷		®	X ⁸
BESO7d	Drugs: Using your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO7e	Drugs: Using other drugs					X
BESO8	Drugs: Distributing controlled substances or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) (schedule I & II drugs)					X
BESO8a	Drugs: Distributing controlled substances or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) (other drugs)					X
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire		*	X	X	
BESO10	Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46 ⁹		*	X	X	
BESO11	Hazing as defined in §18.2-56 and noted in § 22.1-279.6		*	X	X	
BESO12	Threatening, intimidating or instigating violence, injury or harm to a staff member		K-6	X	X	
BESO13	Threatening, intimidating or instigating violence, injury or harm to another student	K-6	X	X	X	
BESO14	Possession of a firearm or destructive device as defined in § 22.1-277.07					X
BESO15	Using any weapon to threaten, intimidate, or attempt to injure school personnel					X
BESO16	Using any weapon to threaten, intimidate, or attempt to injure student(s) or other(s)					X
BESO17	Bomb threat–Making a bomb threat		*	X	X	

X = aligns with state and local guidance for where leveled sanctions should begin

* = allows this level of sanction to be imposed at the principal's discretion as part of a progressive response

® = allows for a suspension up to 5 days. Also allows for a referral to the Division Superintendent; however, if a referral is made, the misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations

⁹ Students engaging in gang-related activities should be referred to the office of Student Safety and Wellness for additional resources

The following levels of administrative response are comprised of tiered social-emotional, behavioral, and academic supports provided by other school personnel and in collaboration with the student's family and can be paired with potential sanctions. The following administrative responses to student behavior are provided as a guide for administrators and intended to provide a progressive leveled response that is as minimally exclusionary to the fullest extent possible.

Level	Responses:
1	<p>Level 1 Responses are intended to prevent further behavioral issues while keeping the student in school.</p>
	<p>Interventions and Supports:</p> <ul style="list-style-type: none"> • Seat change • Written reflection as an opportunity for intervention • Counselor/Student conference (includes re-teaching of expected behavior) • Behavior progress chart: recognize and reward positive alternative behavior • Administrator/Student conference • Administrator/Teacher/Parent conference • Written reflection • Restorative circle or conflict resolution • School-based community service (appropriate to correct the behavior) • Restitution <p>Sanctions:</p> <ul style="list-style-type: none"> • Confiscation of student articles by the administration (to be returned to parents) • Temporary loss of classroom or parking privileges • Detention (before school, at lunch, after school)
2	<p>Level 2 Responses are designed to prevent further behavior issues and keep the student in school. Interventions expand and depending upon the severity of the behavior, short-term removal of the student from the classroom may be appropriate.</p>
	<p>Interventions and Supports (in addition to Level 1 options):</p> <ul style="list-style-type: none"> • Behavior contract (developed with and signed by the student, parent and school officials) • Check-In/Check-Out • Schedule change • Referral to school multi-tiered system of support (MTSS) team • Consultation with support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Office of Special Education Instruction, Substance Abuse Prevention specialist, or Mentor Program) <p>Sanctions (in addition to Level 1 options):</p> <ul style="list-style-type: none"> • Temporary removal from student activities for up to seven calendar days • Saturday detention • Removal from classroom for less than half the day (AIA) • In-school suspension (up to two school days) with behavioral instruction and academic support

Level	Responses:
3	<p>Level 3 Responses include more intensive interventions. Dependent upon the severity, repeated nature of the behavior and/or safety concerns, Level 3 responses may include the student's short-term removal from school.</p> <p>Interventions and Supports (in addition to Levels 1 and 2 options):</p> <ul style="list-style-type: none"> • Restorative justice conference • Referral to support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Substance Abuse Prevention specialist, or Mentor Program) • Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) • Referral to behavioral support group • Referral for community-based services • Threat assessment as indicated by the behavior • Invitation for parent to visit/consider alternative education programs • Referral to local screening committee to determine need for assessment for special education or 504 eligibility • Referral to individualized education plan (IEP) team <p>Sanctions (in addition to Levels 1 and 2 options):</p> <ul style="list-style-type: none"> • Temporary removal from student activities for 7-14 calendar days • In-school suspension (up to five school days) with behavioral instruction and academic support • Short-term out-of-school suspension (up to two school days) with restorative circle or administrator conference upon return • Referral to law enforcement where required
4	<p>Level 4 Responses include targeted individualized interventions and customarily result in school-based disciplinary action. However, the principal may make a referral to the Division Superintendent for these violations. A referral to the Division Superintendent may result in a number of different responses based on circumstances and rarely results in an expulsion.</p> <p>Interventions and Supports (in addition to Levels 1–3 options):</p> <ul style="list-style-type: none"> • Restitution via written contract • Threat assessment as indicated by the behavior • If review of the student's suspension record indicates that the student has had multiple suspensions for the same or related behaviors, suggesting a pattern of behavior concerns or when there is a referral to the Division Superintendent, IEP team should conduct an FBA and/or BIP <p>Students with disabilities</p> <ul style="list-style-type: none"> • Referral to IEP team if the student has or will have had more than ten days of suspension cumulatively over the school year to determine how services will be delivered on day 11 <ul style="list-style-type: none"> • IEP team may also consider possible need for change to goals, accommodations, services, or placement on IEP • If there has been a referral to the Division Superintendent, the IEP team must conduct a Manifestation Determination Review (MDR)

Level	Responses:
	<p>Sanctions:</p> <ul style="list-style-type: none"> • Temporary removal from student activities for 14-21 calendar days • Short-term out-of-school suspension (up to three school days for grade K-3 students per incident, unless specified misconduct has occurred; up to five school days for grade 4-12 students, unless accompanied by referral to the Division Superintendent, in which case the principal may suspend for up to ten school days) with restorative circle or administrator conference upon return • Referral to the Division Superintendent • Referral to law enforcement as required
5	<p>Level 5 responses target behaviors for which the code of Virginia or School Board policy mandate a referral to the Division Superintendent. Interventions are intended to support the student during any related short-term removal from school, and to implement required protections for students with disabilities. A referral to the Division Superintendent may result in a number of different responses based on circumstances and rarely results in an expulsion.</p> <p>Required Interventions and Supports:</p> <ul style="list-style-type: none"> • Referral to Out-of-School Support Office to arrange academic support during suspension • Referral to school counselor, school social worker, and school psychologist to identify who will contact family and student to determine emotional status and offer support <p>Students with disabilities</p> <ul style="list-style-type: none"> • MDR, even if the student has not had ten days of suspension, because the consequence assigned may result in a change in placement • FBA or BIP • Referral to IEP team to determine how services will be delivered on day 11 (when a student with a disability has been suspended for 10 or more days cumulatively over school year) <ul style="list-style-type: none"> • IEP team may also consider possible need for change to goals, accommodations, services, or placement on IEP <p>Required School-based Administrative Responses to Level 5 Behaviors:</p> <ul style="list-style-type: none"> • Referral to Division Superintendent • Threat assessment when indicated by the behavior • Referral to law enforcement as required

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 as outlined in this regulation 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 school environment, 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 and graded upon return. 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 days¹⁰ as outlined in this regulation. 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 ten 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, 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 as outlined in this regulation. Any student who commits multiple offenses (regardless of their nature) at the same time or on different occasions may, at 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.

¹⁰ Students who are in kindergarten through third grade ordinarily are not subject to suspensions from school of more than three consecutive days. Virginia law provides for exceptions where such students engage in dangerous misconduct (see Chapter II.C.3. of this regulation).

When a student makes a threat of violence toward others, or when a student's behavior indicates that a threat is reasonably likely, a threat assessment will be conducted by school officials, pursuant to Regulation 2111, Procedures for Conducting a Threat Assessment. 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).¹¹
- b. For students in grades 7-12, physically assaulting a staff member causing injury 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, physically assaulting a staff member causing injury 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.

2. Disruptive or Inappropriate Behavior

Disruptive or inappropriate behavior often interferes with student learning and school operations. For violations involving disruptive or inappropriate behavior, a restorative justice conference and/or referral to the FCPS restorative justice practitioner 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

¹¹ These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see Regulation 2118. All staff members shall report all allegations of bullying and harassment to the principal. The principal is responsible for investigating and documenting all reports of such prohibited conduct. All allegations (whether founded or not) of such, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS) and reported to the Title IX coordinator.

- (5) Unauthorized use or possession of a laser pointer or other laser devices
 - (6) Use of personally owned electronic devices¹² or any use in violation of the acceptable use policy or of the direction of a school official
 - (7) Disruption of the educational process or disobedience, insubordination, or open defiance of the authority of any teacher or staff member
 - (8) Misconduct, including fighting¹³, mistreating, cursing, inappropriate gesturing, or verbally abusing any person
 - (9) Willful disruption of any school-sponsored activity
 - (10) Verbal or written use of vulgar, profane, obscene, or patently offensive language¹¹
 - (11) Possession or use of a smoking or vaping device (for example, a vape, a JUUL, or a like device). To the extent the foregoing contains alcohol, nicotine, or an illegal drug, specific consequences are listed below in this regulation
- 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.¹¹
 - (2) Bullying¹⁴ on any basis.
 - (3) Discriminatory harassment¹¹ (which is harassment based on a person's age, race, color, religion, national origin, marital status, disability, or any other legally protected category.) Sexual harassment is prohibited by Regulation 2118.
 - (4) Sexual misconduct¹¹ (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) but

¹² 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.

¹³ School officials may, in their discretion, consider self-defense as a factor when determining appropriate disciplinary action for misconduct involving fighting. Self-defense will never justify or excuse any other violation of the SR&R, including but not limited to any possession or use of a weapon.

¹⁴ The principal is responsible for investigating and documenting all allegations of bullying. All allegations (whether founded or not) of bullying, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS). 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.

that is not within the scope of “sexual harassment” as defined by Regulation 2118.

- (5) Conduct that endangers the well-being of others, including making threats 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 or the academic environment.
- (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 Wellness Office for additional resources and interventions to address gang involvement.

3. Alcohol, Tobacco, and Other Drug Violations (including Vaping of Any Substance)

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 two-day in-school 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, using, or distributing tobacco products, vaping products, or smoking devices (to include, for example: JUUL devices, electronic cigarettes, vapor devices, 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. The parent is expected to complete an information session on the prevention of substance misuse.

- (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 two 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 in lieu of, or in addition to, disciplinary action at the discretion of the principal

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a two-day in-school 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, 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 7-14 calendar days from all student activities, to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations¹⁵ will result in a student being ineligible to participate in graduation ceremonies.
- (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 an additional 14-21 days.
- (c) All alcohol violations shall be reported to the police in accordance with the Code of Virginia.

¹⁵ These types of violations may include, but are not limited to, assault on staff or students with injury, possession of weapons or explosives, possession of drugs or controlled substances indicative of an intent to distribute, distribution of drugs and/or controlled substances, or any violation that would cause a clear disruption to the graduation ceremonies. The decisions to exclude a student from graduation may be based on a decision from the Hearings Office or may be made by the principal in collaboration with the regional assistant superintendent.

- (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 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, First Aid, Emergency Treatment, and Administration of Medications for Students. 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 two-day in-school 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 two 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. Prescription Drugs

Parents are expected to bring all medications to the school health room, with a form signed by a doctor for the administration of any prescription drug during the school day, or during school activities, so the medication can be safely stored and administered.

- The following violation may result in school-based disciplinary action.

Possession or use of his or her own: (i) prescription medication; or (ii) THC-A or cannabidiol oil, provided that written certification for use of such was issued by a licensed practitioner in accordance with the Code of Virginia.

- e. Marijuana, Imitation Marijuana, any Controlled Substance, including Prescription Drugs not Prescribed to the Student, and Synthetic Marijuana, and Imitation Controlled Substances (collectively, Illegal Drugs), or Drug Paraphernalia

For violations related to illegal drugs or drug paraphernalia, a student shall 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 made. Where a referral to the Division Superintendent is made, an assignment to an AOD intervention program may be made in addition to the referral to the Division Superintendent.

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a two-day in-school 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 THC oil, ecstasy, cocaine, synthetic marijuana, or any prescription drug not prescribed to the student), or for possessing or distributing drug paraphernalia.

- i. The student shall serve a two-day in-school suspension.

- ii. For high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all student activities, to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations¹⁵ will result in a student being ineligible to participate in graduation ceremonies.

- iii. 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 an additional 14-21 days.

- (b) For first time possession in an amount indicative of personal individual use for a single occasion; or use of: marijuana (including THC oil), any prescription drug not prescribed to the student, or imitation drugs; or possession or distribution of drug paraphernalia shall result in the following actions (so long as such student has not engaged in other prohibited conduct for which a referral to the Division Superintendent is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension:
 - i. The student shall serve a two-day in-school suspension.
 - ii. The student shall participate in the FCPS Alcohol and Other Drug (AOD) intervention program. (Failure to successfully complete the AOD intervention program shall result in an out-of-school suspension for three days.)
 - iii. The violation of this subsection shall also result in temporary removal for 21 calendar days from all student activities, to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations¹⁵ will result in a student being ineligible to participate in graduation ceremonies.
 - iv. The parent is expected to complete an information session on the prevention of substance misuse.
- (2) The following violations shall result in a referral to the Division Superintendent and the principal may suspend for up to ten days.
 - (a) Second or subsequent possession or use of marijuana (including THC oil) or a prescription drug not prescribed to the student, or imitation drugs.
 - (b) Possession or use of illegal substances (including ecstasy, LSD, cocaine, synthetic marijuana).
 - (c) 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.
 - (d) Theft of a student's prescription drug. A report shall be made to the police in accordance with the Code of Virginia.

- (e) 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.
- (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.

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.

(a) In the event the Division Superintendent finds special circumstances on the written record, the student shall receive the following: a suspension of up to 10 days; probationary conditions; and a temporary removal for not more than 21 calendar days from all student activities, to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations¹³ will result in a student being ineligible to participate in graduation ceremonies.

(b) 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 another 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 Chapter II.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), nunchaku, 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 policy¹⁶ 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. Mandatory report. The principal shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents that may constitute a felony, as 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, abduction of any person as described in §18.2-47 or §18.2-48, 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

¹⁶ FCPS’ own policy on weapons is authorized by the Code of Virginia, including Section 22.1-277.07:1.

§18.2-85, or explosive or incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses.” 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)¹⁷ primary role in schools is as a law enforcement officer. SROs shall not become involved in routine school matters such as administrative actions or actions not directly related to the safety of the students and staff. The SRO shall refrain from functioning as a school disciplinarian and shall not intervene in school discipline matters. The discipline of students will remain the responsibility of the school faculty and administrators. At any time, the SRO may become involved when a school administrator has a safety concern that cannot be addressed by the school’s safety and security staff. When students are questioned by FCPS administrators for the purpose of student discipline, neither the SRO nor 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 conducting interviews with students where directed to do so by the police until police interviews with students have been completed and the principal has confirmed that FCPS administrators may conduct interviews (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, Questioning of Students by Police.
5. The principal shall also immediately notify the parents of any minor student who is the victim or intended victim of a reportable incident as provided in subsection 1 of this section B.

C. Disciplinary Procedures and Interventions; Parent Notification

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. Students

¹⁷ For information only, the full SRO MOU can be found at <https://www.fcps.edu/node/36886>.

and families need to be aware school staff has the right to question students in the interest of maintaining safe and secure school environments, and while school staff are not held to the same threshold as law-enforcement officials when obtaining information, the decision to provide a student response, whether verbal or written, to any such questions is voluntary. 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 verbally explain what happened and invited to write his or her own 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. However, no student aged eight or younger shall be asked to write a statement.
- 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, or that the student has committed a drug violation, the school administrator shall make reasonable efforts (e.g., phone, e-mail, text) to notify the student's parent as soon as possible, before questioning the student about the alleged offense, unless the school administrator believes that there is imminent danger to the student or others, or that there is a risk that evidence will be lost or destroyed. No school official shall ask the student to write or sign a statement about the offense until a parent has been notified. In the event that a school official errs and obtains a written or signed statement from the student before a parent has been notified, the written or signed statement shall not be provided to the Hearings Office or School Board. School administrators shall document parent notification efforts, including time, date, and method of notification via approved contact information located on record in the Student Information System (SIS). Nothing herein shall be interpreted as requiring a school administrator: (i) to obtain a parent's consent for questioning a student; (ii) to refrain from questioning a student until a parent acknowledges the notice which was provided, or (iii) to refrain from questioning a student without the parent being present, notwithstanding the parent's direction or preference regarding such.
- 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 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) Behavior contract
 - (6) Conflict resolution with school counselor
 - (7) Referral to school psychologist or school social worker
 - (8) Referral to an FCPS AOD intervention program
 - (9) Referral to an RBI Intervention specialist
 - (10) 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 of Students in Grades K-3

No student in kindergarten through third grade is to be suspended from school for more than three consecutive days or expelled for a violation, unless such student is determined to: (i) have possessed or used a statutory weapon [as defined in Chapter II.A.5.a]; (ii) have possessed or used illegal drugs [as defined in Chapter II.A.3.d]; (iii) be the subject of a Juvenile Court report to the school system for delinquency adjudication or a conviction of one or more criminal offenses as set forth in Section 16.1-260(G) of the Code of Virginia; (iv) be involved in physical harm, or credible threat of physical harm, to another; or (v) have violated the SR&R with aggravating circumstances. For a violation of subsection (i) or (ii), the principal shall make a referral to the Division Superintendent and may also impose a suspension from school for up to ten days. For a violation of subsection (iii) or (iv) where the principal chooses to make a referral to the Division Superintendent, the principal may also impose a suspension from school for up to ten days. For all other violations of the SR&R, the principal may impose a suspension from school for only up to three days, unless the Division Superintendent or School Board determines that there are aggravating circumstances; the foregoing is applicable even where the principal chooses to make a referral to the Division Superintendent.

4. 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.

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 2602) 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 (without either a referral to the Division Superintendent or a recommendation for reassignment) 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.¹⁸
 - (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.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

¹⁸ As such, any appeal of short-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

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.

5. 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. 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.

6. 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 a Nontraditional School Programs Elective Placement Referral Form (SS/SE-227) with all required attachments to the senior administrator 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>.

7. Suspension for 11 to 45 School Days Unless Certain Misconduct Has Occurred (Long-Term Suspension)¹⁹

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.

¹⁹ See Definition of Long-Term Suspension in Glossary of Regulation 2601

- 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).²⁰
- c. At the conclusion of the Division Superintendent's hearing on the referral, and subject to the Division Superintendent's final written decision, the issue of the student's possible return to his or her current classes (beginning on the next school day) will be considered by the Division Superintendent in consultation with the school principal. The student's return shall be allowed unless the Division Superintendent concludes that doing so would endanger the well-being of others, or if there is a victim or victims at the school, such as in cases of assault or sexual harassment.

Parental acknowledgement of any right to appeal shall be indicated through a signature on a separate page or electronic notification attached to the decision letter explicitly stating the acknowledgement of this right, and to be in the preferred language of the parent. In the event the student's parents subsequently appeal the Division Superintendent's final written decision to the School Board, the appeal may include a request for the student to attend classes and the reasons the parents believe the student would not endanger the well-being of others, unless there is a victim or victims at the school, such as in cases of assault or sexual harassment. An ad hoc three-member committee of the School Board may, following a review of the record then on file, allow the student to return to classes pending the final decision of the School Board on the appeal.

- d. 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, Procedures for Hearings and Appeals to School Board.
- e. 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.

8. 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.

²⁰ As such, any appeal of short-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

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.

9. 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. As an alternative, the student may continue to receive out-of-school support assigned by the Office of School Improvement and Supports to assist in completion of tests and assignments.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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, may 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 may accept satisfactory evidence that the student has enrolled and is participating in the recommended substance abuse treatment or educational 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

FCPS looks at every student and his or her unique needs and wants to work collaboratively with each family to support their child's needs. For students with special education services, the IEP team (to include parents) requires that each child's unique needs are reviewed and considered during the IEP process. For a student with a disability under 504 of the Rehabilitation Act of 1973, refer to Chapter II,D.8. Protections for Students Covered by Section 504 Plan.

1. Prevention of Disciplinary Incidents

When a student's behavior impedes his or her learning or that of others, or if there appears to be a pattern of misconduct leading to suspension, the IEP team, which includes the parent, shall prioritize the use of positive behavioral interventions, strategies and supports, and take one or both of the following actions:

- a. Develop IEP goals and services specific to the child's behavioral needs.
- b. Conduct an FBA and develop a 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 an 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. Parent Notification

When a disciplinary incident involving a student with an intellectual or developmental disability may result in a suspension of any kind, school staff shall not request a verbal or written statement from the student until a parent has been provided notice. School administrators shall make reasonable efforts to contact the student's parent or guardian and document those efforts.

5. 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 or another key member of the IEP team if the case manager is not available, 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 shall consult with the student's case manager or another key member of the IEP team if the case manager is not available, review the IEP or 504 plan, and ensure all necessary accommodations are provided to the student.

If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the principal shall convene an IEP meeting to determine whether additional goals or services are needed to address the student's behavioral needs and where necessary conduct a functional behavior assessment and develop a behavior intervention plan.

When a student with an IEP is to be reassigned for disciplinary reasons, the IEP team will consider the parents' views and any preference for the reassignment location, if they have one, along with any location proposed by FCPS staff at the meeting. Because an IEP student's educational placement is not to be predetermined, it is the duty of the IEP team at its meeting to discuss, propose, and decide upon the educational placement, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members at the meeting.

6. Manifestation Determination Reviews

In conducting an 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 shall be made available to the appropriate hearing officer prior to any Hearings Office proceedings.
- e. If the MDR team determines the misconduct was a manifestation of the student's disability:
 - (1) In the event that the misconduct did not involve serious harm to a victim or threat of serious harm to a prospective victim, the principal shall withdraw the referral to the Division Superintendent;
 - (2) In the event that the misconduct involves serious harm to a victim or threat of serious harm to a prospective victim, the referral to the Division Superintendent will remain in effect so that suitable safety measures and protective measures may be considered. The student shall be returned to the same educational placement from which he or she was removed, which may be at the same or an equivalent location, 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.
 - (c) The school division institutes expedited special education due process proceedings to change the student's placement, in a situation where maintaining the current placement is substantially likely to result in

injury to the student or others, in accordance with Virginia Administrative Code 8 VAC 20-81-160, Section E.2.

3. The student's IEP team must conduct an 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 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 (<https://www.fcps.edu/sites/default/files/media/forms/se4.pdf>).
7. 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.
8. Protections for Students with Disabilities Covered by Section 504 Plans
- 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. The parent may request additional staff or persons attend the meeting other than those identified by school staff.

- b. The knowledgeable committee shall convene a Causality Hearing to 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. If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the principal shall convene the knowledgeable committee to review the 504 Plan to determine whether additional accommodations or other supports are needed to address the student's behavior and where necessary conduct a functional behavior assessment or develop a behavior plan.
- f. The student shall not be entitled to receive continuing educational services during any period of suspension or expulsion.
- g. The knowledgeable committee's determination shall be forwarded to the Division Superintendent, who reviews this information in consideration of further disciplinary action.

Glossary

Aggravating Circumstances

As defined by the Virginia Department of Education, such includes; (i) misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or (ii) the student's presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or (iii) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. The Code of Virginia requires that the above also includes consideration of the student's disciplinary history.

Alcohol and Other Drug (AOD) Intervention

An intervention provided by a Substance Abuse Prevention specialist who provides a substance abuse screener and psycho-education. This education includes, up to date facts about the potential impact of drug and alcohol use, as well as open discussions about the choices that lead to substance use, the impact these choices can have on students, friends, and other members of the family, options for responding to peer pressure and strategies to quit the use of substances. A handoff to community providers, who can provide additional supports and treatment options is made available for those with a moderate to high risk for substance abuse.

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 (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 denigrates or shows hostility toward an individual because of his or her age, race, color, religion, national origin, marital status, disability, or any other legally protected class. Such harassment may create an intimidating, hostile, or offensive student environment.
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 11-45 school days, unless misconduct involves: (i) possession or use of a statutory weapon [as defined in chapter II.A.5.a.] or illegal drugs [as defined in chapter II.A.3.d.]; (ii) serious bodily injury, or (iii) aggravating circumstances. Where a determination of (i), (ii), or (iii) is made, the long-term suspension may extend beyond 45 school days, but shall not exceed 364 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, other than THC-A oil or cannabidiol oil provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.
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 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.
School Resource Officer (SRO)	A certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement and security services to FCPS schools. Pursuant to the Code of Virginia, an SRO is to help (i) ensure safety and (ii) prevent truancy and violence in the schools.
Sexual Misconduct	Misconduct 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 but that is not within the scope of "sexual harassment" as defined by Regulation 2118.
Short-Term Suspension	Disciplinary action that denies school attendance for a period not to exceed ten days.
Student Activities	These include extracurricular activities, co-curricular requirements, and athletics. Students participating in athletics, performing arts, clubs, competitions, practices, and any other activity that provides opportunities for participation outside of normal school hours, in addition to any student who is a spectator or audience members at a school sponsored activity are included in this definition.
Substantial Disruption	Includes any incident that generates a considerable negative impact on normal school operations, or results in a significant impact to students, parents, and/or staff, such as using prohibited substances in a large group setting at school; requiring a response that disrupts school operations such as the need for emergency medical services; or creating a situation where parents are compelled to keep their children out of school, or where groups of students are unable to focus on learning due to a specific incident.
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.

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, 22.1-277.06, 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, 54.1-3408.3

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
Policy 1450	Nondiscrimination
Policy 2601	Rights and Responsibilities of Students
Policy 2611	Procedures for Hearings and Appeals to School Board
Policy 2613	Student Dress Code
Policy 2701	Student Personal Data
Regulation 1367	Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions
Regulation 2102	First Aid, Emergency Treatment, and Administration of Medications for Students
Regulation 2111	Procedures for Conducting a Threat Assessment
Regulation 2118	Title IX: Sexual Harassment by Students
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

Regulation 2604	Rights of Adult Students
Regulation 2606	Teacher Removal of Students From Classes
Regulation 2612	Regulations and Procedures Governing Freedom of Expression by Students
Regulation 2613	Student Dress Code
Regulation 2616	Questioning of Students by Police
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 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/node/36886 https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program https://www.fcps.edu/sites/default/files/media/forms/se4.pdf
Forms	SS/SE-227, Nontraditional School Programs Elective Placement Referral Form

SPECIAL SERVICES

Student Rights and Responsibilities

Student Rights and Responsibilities Booklet

This addendum should be read in conjunction with Regulation 2601.34P.

Acts for Which Students May Be Disciplined

Students may be disciplined for offenses defined and classified as Title IX offenses in Regulation 2118 at the conclusion of the Title IX grievance process enumerated in Reg 2118. Potential disciplinary consequences for each of the behaviors specified in the chart below include but are not limited to: suspension, reassignment, expulsion, and exclusion from school and all school-sponsored activities. Only Title IX decision-makers (designated as the Superintendent's hearing officer(s)) may impose discipline related to those offenses, and such discipline will not be implemented until the conclusion of the Title IX grievance process, including any appeals, as well as the discipline appeal afforded in Reg 2118, Section V.

Leveled Responses to Student Behaviors¹

SBAR Code²	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC8e	Sexual Harassment: includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature could be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity	*	X	X	X	
BSC8f	Discriminatory Harassment: Gender Identity	*	X	X	X	
BSC8g	Discriminatory Harassment: Sexual Orientation	*	X	X	X	
BSC8h	Sexual Harassment: conduct on the basis of sex that meets the definition of Dating Violence	*	X	X	X	
BSC8i	Sexual Harassment: conduct on the basis of sex that meets the definition of Domestic Violence	*	X	X	X	

¹ Details regarding leveled responses are found in Regulation 2601.34.

² SBAR Codes are the student disciplinary reporting codes of the Virginia Department of Education.

X = aligns with state and local guidance for where leveled sanctions should begin

* = allows this level of sanction to be imposed at the principal's discretion as part of a progressive response

SBAR Code ²	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC20	Physical sexual aggression and/or forcing another to engage in sexual activity; Sexual assault				K-6	7-12
BSC21	Stalking	*	X	X	X	

Definitions:

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:

1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; or
2. Dating violence, domestic violence, sexual assault, or stalking (see below)

Dating violence

Violence committed by a student—

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship.
 2. The type of relationship.
 3. The frequency of interaction between the students involved in the relationship.

Domestic violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault

- A. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- B. Rape; carnal knowledge of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity;
- C. Sodomy; oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity;
- D. Sexual Assault With An Object; use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity;
- E. Fondling; the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity;
- F. Incest; non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- G. Statutory rape; non-forcible sexual intercourse with a person who is under the statutory age of consent.

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- A. fear for his or her safety or the safety of others; or
 - B. suffer substantial emotional distress.

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

The Office of the Ombudsman is available to talk with parents and students as a confidential, informal, independent, and impartial resource. If you need additional help navigating the school system, contact the Office of the Ombudsman at 571-423-4014 or ombudsman@fcps.edu.

Title IX complaints may be presented to the Title IX coordinator

571-423-3070

8115 Gatehouse Road, Falls Church, Virginia 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
Equity and Student Conduct Office

571-423-4274

www.fcps.edu

