



# ESSEX COUNTY PUBLIC SCHOOLS

## CODE OF STUDENT CONDUCT

2025-2026

# ESSEX COUNTY PUBLIC SCHOOLS

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## Essex County Public Schools Office of the Superintendent

109 N. Cross Street  
Tappahannock, VA 22560  
804-443-4366  
Fax: (804)-443-4498  
[www.essex.k12.va.us/](http://www.essex.k12.va.us/)

Marvin L. Jones, Ed.D.  
Division Superintendent

Doranda Scott  
Assistant Superintendent

Dear Students, Families, and Staff,

At Essex County Public Schools, we believe that education extends beyond academics, it is also about fostering self-discipline, responsibility, and good citizenship. Just as we teach reading, math, and science, we must also guide our students in developing the social and emotional skills necessary for success in all aspects of life. Our Code of Conduct reflects this commitment, providing clear expectations to help students learn accountability, respect, and integrity, qualities that will serve them well beyond high school.

A safe and orderly learning environment is essential for student success. When classrooms and school spaces are free from disruptions, our educators can focus on teaching, and our students can focus on learning. This document outlines the policies and procedures that support such an environment, ensuring that every student has the opportunity to thrive. Consistency between home and school is also vital to our collective pursuit of excellence. To this end, we likewise encourage families to partner with us in reinforcing these values.

Together, we can help our students grow into thoughtful, capable, and respectful individuals. Thank you for your support as we work to nurture not only skilled learners but also responsible citizens.

Respectfully,

Dr. Marvin L. Jones  
Division Superintendent  
Essex County Public Schools

*Paving "Pathways to Excellence": Empowering today's learners to lead in tomorrow's world.*

# Preface

The purpose of this publication is to provide students, parents, school personnel, and the public with a concise and comprehensive description of the minimum standards of behavior for all students enrolled in the public schools of Essex County. It defines appropriate student conduct and presents a menu of alternative interventions and responses to be employed by teachers and/or school administrators to address individuals who exhibit inappropriate behavior. Emphasis is placed upon behavioral expectations of Essex students in clear and consistent language for common understanding and support in meeting the expectations.

## **Authority of School Officials Over Students**

In accordance with Section 22.1-78 of the Code of Virginia, the power of school authorities is not limited to violations occurring on school property during school hours. This Code of Student Conduct applies to all Essex County Public School students when they are:

- On school property.
- On their way to, and returning from school.
- On their way to, returning from or at school bus stops.
- In School Board vehicles.
- In attendance at school or at any school-sponsored activity.

In addition, this Code applies to incidents off school. When certain off-campus conduct of students detrimentally affects other students, school personnel and/or interferes with the orderly operation of the school system or the safety or welfare of students, employees, or volunteers, such conduct may be subject to discipline.

Students who observe or are subjected to inappropriate actions as described in this Code are expected to report such incidents to their school administration. In addition, all students must report to a school staff member any information concerning threats or disruptions involving the safety of students, staff, or the school environment.

The School Board of Essex County, Virginia, complies with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Improvement Act of 1990, and the Individuals with Disabilities Education Act. The School Board does not discriminate on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in any of its programs and activities. The Superintendent of Schools, his/her designee, or the Director of Special Education are responsible for the coordination of compliance with these provisions.

This Code of Student Conduct specifically outlines major categories of student behavior and states consequences that may occur as a result of misconduct. The following factors are used in determining the consequences for a specific violation of the Code:

- Age, health, and disability or special education status of the student;
- Appropriateness of student's academic placement;
- Student's prior conduct and record of behavior;
- Student's understanding of the impact of his/her behavior and attitude;
- Student's willingness to repair the harm caused by his/her behavior;
- Seriousness of the behavior offense and the degree of harm caused;
- Impact of the incident on the overall school community;
- Whether the student's violation threatened the safety of any student or staff member; and
- The possibility that a lesser intervention would adequately address the violation.

When enforcing this Code, students and their property, including but not limited to backpacks, purses, other containers, automobiles, lockers, desks, computers, and electronic devices, may be searched. Metal detectors, surveillance cameras, and detection dogs may be used on school property and at school-sponsored activities in order to maintain a safe and productive learning environment.

## **General Philosophy**

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Public education must be conducted in an atmosphere conducive to learning, free of disruption and threat to person or property, and supportive of individual rights. To this end, the School Board has set forth standards governing student conduct and attendance, which are outlined in this handbook. These are periodically updated/revised and published. Each student of Essex County Public Schools will have access to this document for his/her own personal use and reference. It is available on the ECPS Homepage under the MORE tab, listed under Parents and Students.

The Essex County Public School System recognizes the right of every student to an education without disruption and a corresponding responsibility not to deny this right to any other student. The school system encourages acceptable behavior by working with students in an atmosphere of respect and understanding, well-organized and centered around freedom, firmness, and consistency to build pride and confidence in the students and the school.

It is important that all students attending Essex County Schools recognize that the schools are built and operated for their benefit, and that the schools serve to provide students with appropriate and useful educational opportunities. An integral part of this concept is that students share the responsibility for the maintenance of a sound, enjoyable educational climate within the schools.

Every student has the right to an opportunity to learn in an environment which is safe, clean, peaceful, and well organized. Each student must also recognize that he/she has the responsibility to ensure that his/her actions do not deprive others of the same opportunity.

Essex County Public Schools has current copies of all division policies and regulations available on the division's website. Printed copies of school division policies and regulations are available to citizens without online access. If you need a policy or regulation printed, please contact your student's school or the Office of Student Services.

## **Student Orientation - Code of Conduct**

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Since it is in the best interest of the students of Essex County Public Schools to be fully aware of the regulations governing their behavior, an orientation of the *Student Code of Conduct* will be given by the principal or his/her designee at the beginning of each school year.

Additionally, each student will receive an electronic link to this *Student Code of Conduct* for his/her own personal use and reference. Each parent/guardian must acknowledge receipt of and agree to read and discuss the manual with their student(s). Families are asked to complete the acknowledgement in the online returning student form or the initial registration documents.

Please be advised that policy and procedures may be updated during the course of a school year. A current copy of the Student Code of Conduct is maintained on our website.

## **STUDENT RIGHTS**

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The following statements summarize students' rights. They help explain the relationship between students and adults in the school setting. They also show relationships between and among students. In exercising their rights, students shall not disrupt the educational process or force upon, endanger, or deny others of their rights.

### **EQUAL EDUCATIONAL OPPORTUNITY**

The schools must provide ALL students the opportunity to acquire an education. This means free admission to the schools and the right to attend school until graduation from high school or a student reaches his/her twentieth birthday on or before August first of the school year. The identified disabled student may attend school until age 22. Students have the right to equal educational opportunity without interference from other students and from trespassers on public school property. Equal educational opportunities are available for all students, without regard to sex, sexual orientation, race, creed, color, national origin, gender, gender identity, ethnicity, religion, disability, ancestry, marital or parental status, or any other unlawful basis. Educational programs are designed to meet the varying needs of all students. A procedure for resolving complaints alleging discrimination on the basis of race, color, national origin, gender, age, religion, or disability may be found in Essex County Public Schools policy. The school division has updated the Section 504 policy and procedures on our website. If you have any questions, please contact the school division's 504 Coordinator. The Director of Special Education will serve as the Section 504 and Title IX Coordinator for Essex County Public Schools.

### **LEARNING ENVIRONMENT**

All students have the right to a safe and orderly classroom environment that will ensure the opportunity for optimum learning. This includes the right to an environment free from harassment on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity as outlined in Essex County Public Schools policy.

### **RESTRAINT AND SECLUSION/CORPORAL PUNISHMENT**

There may be situations when there is a need to manage aggressive and violent student behaviors in emergency situations. Therefore, the use of restraint and seclusion of Essex County Public Schools students shall only be utilized in an emergency situation by school personnel trained and certified by a State-approved crisis intervention training program.

Corporal punishment is prohibited. No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition shall not be deemed to prevent:

- the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control
- the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself;
- the use of reasonable and necessary force for self-defense or the defense of others;
- the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control;
- physical pain, injury or discomfort caused by participation in practice or competition in an interscholastic sport; or
- participation in physical education or an extracurricular activity.

## **STUDENT RECORDS**

The Essex School Board shall maintain accurate and complete individual, permanent, and cumulative records for every student enrolled in the public schools. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as education records in Title 20, §1232(g) of the United States Code and in Chapter 14 of Title 22.1 of the *Code of Virginia, 1950*, as amended, shall be maintained in compliance with all federal and state law.

The superintendent and/or his designee(s) shall be responsible for the collection of data, record maintenance and security, access to and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent shall also provide for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of the Essex Public Schools written policy and procedure on the management of the education records and their location.

## **FREE EXPRESSION**

Students are entitled to express their opinions both verbally and in writing. This right does not entitle them to misinform, slander, and/or display pornography as interpreted by the principal. No form of expression will interfere with the rights of others to express themselves or cause a disruption to the conduct of school and classroom activities.

## **FREEDOM OF ASSEMBLY**

Students, with the approval of the principal, have the right to hold meetings at a time, place, and in a manner which does not disrupt or disturb classroom instruction.

## **DUE PROCESS**

The student has the right to procedural due process in the case of a suspension or expulsion. Procedural due process will include a notice of the charge(s), a right to an impartial hearing, and the right to appeal any decision to a higher authority.

## **STUDENT RESPONSIBILITIES**

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A responsibility is an obligation one has in order to retain the privileges associated with a right to certain freedoms.

### **DISPLAY RESPECT FOR OTHERS**

Students are expected to display concern and respect for school board members, school administrators, teachers, fellow students, school support staff, and Essex County citizens and guests at all times.

### **PROTECT THE RIGHTS OF OTHERS TO STUDY AND LEARN**

Parents or guardians send their children to school to obtain an education. An individual student may decide not to take advantage of that opportunity; however, no one has the right to interfere with the education of others. The School Board recognizes that electronic surveillance systems may be used as a tool in monitoring activity on school property and in school vehicles to protect the health, welfare, and safety of students and staff.

### **ATTEND SCHOOL DAILY ON TIME UNLESS ILL OR LEGALLY EXCUSED**

In Virginia, a student is required by law to attend school until the age of 18. It is the responsibility of every student to attend school on a regular basis and on time. Schools cannot promote or certify students for graduation who do not attend class.

### **OBEY ALL SCHOOL RULES**

Rules are created to provide the process for a school to educate students. Schools cannot achieve this goal if they are required to expend valuable instructional time maintaining order. Students must obey the rules of the school.

### **BE AWARE OF THE RULES REGARDING POSSESSION OF CELL PHONES/PERSONAL ELECTRONIC COMMUNICATION DEVICES/CAMERAS**

In accordance with Essex County Public School's Code of Student Conduct policy, the school division will strictly enforce the ban on student cell phone usage. The use of personal electronic communication devices and cellular phones during the instructional day is prohibited. **All devices must be turned off, stowed away, and not visible during the bell-to-bell school day. Bell to Bell means from when the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the academic school day. Bell-to Bell includes lunch and time in between class periods. For elementary school students, cell phones and electronic communication devices must be stored AWAY from the student.** This will be done to ensure a learning environment free of unnecessary disruption.

The power on these devices must be turned off prior to entering the school. Leaving the device on "vibrate", "silent," or "ringer off" is not acceptable.

For elementary school students, cell phones and electronic communication devices will NOT be used within the school building or on school grounds.

When students are attending *instructionally related* after-school activities (tutoring, homework help, make-up work, etc.), off-site events/activities, and field trips, cell phones and personal electronic communication devices must not be used. Cell phones and personal electronic communication devices may be used when students are attending *non-instructional* after-school events/activities or riding on ECPS transportation, as long as the cellular phone or personal electronic communication device is not creating a problem or distraction.

During bell-to-bell instructional time, students MUST use school-based communication tools and platforms to communicate non-emergency needs with parents.

Students will be allowed to use a cell phone during any emergency at the discretion of their teacher. If no teacher is present the student will need to determine appropriate use during an emergency. Students will be allowed to call 911. Students will be allowed to report crimes during school hours on their phones that they perceive may violate the law.

Students using cell phones or other electronic devices to record anything or anyone without authorization on school property or at school events is strictly prohibited. While on school property, at any school-related activity, students shall neither take nor display video or still images of a person who is undressed or partially dressed. The possession of such devices by students on school grounds is a privilege, not a right, and any student bringing such devices on school property consents to these rules. Additional sanctions may be the confiscation of the electronic device and returned only to the parent of the student. Pagers, laser pointers, and other electronic equipment and/or devices are strictly prohibited at any school-sponsored activity. Electronic recording devices are prohibited unless approved by the administration. Violation will result in confiscation of the item and possible disciplinary action.

Failure to adhere to this policy will result in a minimum consequence of the device being confiscated and used as evidence. Other consequences may apply pending the investigation as to the intent and reason for the willful disregard of the Code of Student Conduct.

**By administrative discretion, cell phones or electronic devices may be returned to the student after the first incident. Any additional incidents with the cell phone or electronic devices will require the parents to retrieve those devices at the end of the school day.** Teachers who confiscate devices must store the device in a safe place until the first available opportunity to give it to an administrator for safe keepin and documentation. ECPS will not be responsible for any lost, confiscated, or damaged devices as students assume all responsibility by bringing devices on school property.

**Use of Cellular Phones or other Electronic Devices during Assessments**

Test administration procedures are developed in order to help reduce measurement error and to increase the likelihood of fair, valid, and reliable assessments. Procedures that protect the security of the assessment help to maintain the meaning and integrity of the score scale for all students; therefore:

- Any student using an unauthorized electronic device during testing shall be deemed to have violated the Test Administration Procedures. For the purpose of this policy, “use” shall be defined as having any electronic device out and/or in sight, whether on or off (including asleep), without direct authorization from the classroom instructor.
- Any student found in breach of the Test Administration Procedures by using an unauthorized electronic device shall receive a zero on the assessment. Furthermore, the device in use shall be confiscated and turned in to the student’s grade level administrator with a written referral, in accordance with the Code of Student Conduct.

Failure to comply with the cell phone policy will result in the following actions:

<b>Recommended Consequences</b>	
<b>First Offense</b>	Confiscation of phone, parent contacted, verbal warning, and phone returned to student
<b>Second Offense</b>	Confiscation of phone, parent contacted by administrator, parent must retrieve the phone, parent and student conference.
<b>Third Offense</b>	The student will receive detention. Confiscation of phone, parent contact, and a disciplinary infraction entry will be placed into the student’s conduct record.
<b>Fourth Offense</b>	The student will receive in-school suspension. Confiscation of phone, parent contact, and a disciplinary infraction entry will be placed into the student’s conduct record.
<b>Fifth Offense</b>	The student <i>may</i> be suspended out-of-school for one (1) day for insubordination. In addition, the student shall be banned from possessing a cell phone or electronic device at school for the remainder of the school year.

**VOLUNTEER INFORMATION AND COOPERATE WITH THE SCHOOL STAFF IN DISCIPLINARY CASES**

Every community depends upon the willingness of citizens to play a part in upholding the rules by which everyone has agreed to live. Students are expected to provide accurate and truthful information.

**COMPLETE ALL IN-CLASS AND HOMEWORK ASSIGNMENTS AND MEET DEADLINES**

The responsibility for learning is to be shared with the student, the parent or guardian, and the teacher. Effective education occurs when the teacher directs the work of the student. Everything that must be learned cannot be accomplished during the school day; therefore, some homework should be expected each day.

**RESPECT PUBLIC PROPERTY AND CAREFULLY USE AND RETURN ALL MATERIALS AND EQUIPMENT**

Schools represent a gift of the community to its young people. It is wrong to abuse that gift. Such abuse forces the community to spend additional money in order to provide the same opportunities for those students who will use the schools after you. Students are required to respect public property.

**COME TO CLASS WITH THE NECESSARY BOOKS AND MATERIALS**

A teacher should not have to delay starting class because a student has come unprepared to begin work. This is interfering with the rights of others to learn and study. Obtaining an education requires more than being in class, just as keeping a job requires more than showing up for work. Students are expected to come to school with the proper books and materials.

**SEE THAT SCHOOL CORRESPONDENCE TO PARENTS REACHES HOME**

Education requires a partnership between the parent or guardian, the student, and the school. For a partnership to work, everyone must know what is happening, good and bad.

## PARENTAL RIGHTS AND RESPONSIBILITIES

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- 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 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.
- A school board shall provide opportunities for parental and community involvement in every school in the school district. **As outlined in ECPS, the School Board supports all partners in the educational process. The primary objective of the policy is to promote mutual respect, civility and orderly conduct among district employees, parents and the public. This policy conveys the need to maintain, to the greatest extent possible, safe and harassment-free environments for teachers, students, administrators, staff, parents and other members of the community.**
- Parents are encouraged to monitor their child's academics and attendance. Parents can access their student's information from the PowerSchool Parent Portal. Information to create an account can be obtained from your student's school.
- **Each parent of a student shall acknowledge the receipt of the school board's standards of student conduct and the notice of the requirements of this section.**
- 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, and to discuss improvement of the child's behavior and educational process.
- The school principal will notify the parents of any student who violates a school board policy when such violation could result in the student's suspension, whether or not the school administration has imposed such disciplinary action. The notice shall state (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 (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials.
- No suspended student shall be admitted to the regular school program until such student and his parent 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.
- 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.
- As amended to Section 22.1-4.3 of the *Code of Virginia*, unless a court order has been issued to the contrary, and a copy of said order is provided to the school, the non-custodial parent of a student enrolled in a public school must be included, upon the request of such non-custodial parent, as an emergency contact for events occurring during school activities.

## Student Dress Code

All students who attend any public school in Essex County are expected to dress appropriately for an educational environment. Clothing restrictions are not intended to infringe upon their personal liberties; however, certain restrictions must be enacted to uphold reasonable standards of decorum and prevent situations which may be indecent, unsafe, disturbing, or disruptive to the educational setting of the school. Any clothing that interferes with or disrupts the educational environment is prohibited. The school administration reserves the right to define appropriate and inappropriate dress; the administration's decision is final.

All students will be appropriately dressed while attending school and school-sanctioned events. Dress should be appropriate for the age group involved and should not be a cause for disruptive influence on the educational program.

Guidelines and expectations for student attire in Essex County Public Schools shall:

- permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, head wraps, braids, locs, and cornrows as defined by Subsection I. of Code of Virginia §22.1-279. Other head coverings, such as hats, caps, visors, hoods, and the like, may not be worn in the school buildings during the school day.
- maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender, avoiding a disparate impact on students of a particular gender.
- prohibit tops that may expose the chest, cleavage, midriff, naval, or waistline.
- prohibit bottoms that expose the hips, midriff, buttocks, lower back, upper thigh, and navel whether standing, sitting, or bending. All bottoms, to include dresses, skirts, and shorts, must be an appropriate length and may not expose the areas identified herein.
- prohibit sleepwear, including blankets worn about the body.
- require appropriate footwear to be worn at all times. Bedroom slippers are not permitted in school.
- require all undergarments to remain fully covered by appropriate clothing.
- prohibit clothing that depicts language, images, or innuendo that are vulgar, discriminatory, or obscene; that contain threats such as gang symbols; that depict illegal or violent behavior, or items prohibited in a school setting, such as weapons, drugs, drug paraphernalia, alcohol, tobacco/tobacco products, or advertisements or logos of these items.
- prohibit items of clothing that would impair the health and safety of the student during school activities to include excessive jewelry or accessories such as animal collars, chains, safety pins, or fishhooks.
- prohibit military or inappropriate insignia on clothing (in accordance with federal law).

### Administrative Actions

- Students who present potential dress code violations will be addressed in a manner that maintains student privacy (and dignity).
- Administrators (or designated personnel) are the appropriate staff to address potential dress code violations
- While addressing potential dress code violations, designated staff will not:
  - Measure straps or length of attire
  - Ask students to bend, kneel or engage in any other demonstration to determine appropriateness of attire fit
  - Address student attire in the presence of others
- School dress code enforcement should not create unnecessary barriers to school attendance. If it is determined that there is a dress code violation the student will:
  - Be required to change into their own alternative clothing, if available, to be dressed more to code for the remainder of the day.
  - Be provided with temporary school clothing to be dressed more to code for the remainder of the day.
  - If the procedures outlined above are not possible, the student's parent or guardian may be contacted to bring appropriate alternative clothing so that the student may be dressed more to the code for the remainder of the day.
- If all measures have been exhausted, the school may place the student in an alternative location for the remainder of the school day.

<b>Recommended Consequences for Dress Code Violation</b>		
	<b>Elementary</b>	<b>Secondary</b>
<b>First Offense</b>	Parents of students who violate the dress code will be contacted to provide appropriate clothing, if necessary.	Warning with Opportunity to Change Clothes to Correct Dress Code Violation  Parent Notification
<b>Second Offense</b>	Parents of students who violate the dress code will be contacted to provide appropriate clothing for their children, if necessary.	Parent Notification  Detention
<b>Third Offense</b>		Parent Notification  1 day In-School Suspension
<b>Subsequent Offenses</b>		Continued infractions will result in additional consequences as defined by the Administrator.  Repeated offenses will lead to insubordination violations.

## Compulsory Attendance

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*§ 22.1-254. Compulsory attendance required; excuses; alternative education program attendance; exemptions from article.*

A. As used in this subsection, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

Except as otherwise provided in this article, 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, cause such child to attend a public school or a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board, the requirements of this section may also be satisfied by causing a child to attend an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by causing the child to attend any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and
2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board, cannot benefit from education at such school; or

2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. School counseling;

2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;

3. Mandatory enrollment in a program to earn a Board-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;

4. Successful completion of the course in economics and personal finance required to earn a Board-approved high school diploma;

5. Counseling on the economic impact of failing to complete high school; and

6. Procedures for re-enrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection C of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division. The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult

education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ [22.1-277.04](#), [22.1-277.05](#), [22.1-277.06](#), [22.1-277.07](#), and [22.1-277.2](#). As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

I. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § [22.1-271.2](#);
3. Children under 10 years of age who live more than two miles from a public school, unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board.

J. Subject to guidelines established by the Department, any student who is absent from school due to his mental or behavioral health shall be granted an excused absence.

K. Subject to guidelines established by the Department, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purpose. Local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event.

L. Subject to guidelines established by the Department, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted one excused absence per academic year, provided that the parent of such student provides to the student's school advance notice of such absence in the manner required by the school.

Code 1950, § 22-275.1; 1952, c. 279; 1959, Ex. Sess., c. 72; 1968, c. 178; 1974, c. 199; 1976, cc. 681, 713; 1978, c. 518; 1980, c. 559; 1984, c. 436; 1989, c. 515; 1990, c. 797; 1991, c. 295; 1993, c. 903; 1996, cc. [163](#), [916](#), [964](#); 1997, c. [828](#); 1999, cc. [488](#), [552](#); 2000, c. [184](#); 2001, cc. [688](#), [820](#); 2003, c. [119](#); 2004, c. [251](#); 2006, c. [335](#); 2010, c. [605](#); 2012, cc. [454](#), [642](#); 2014, c. [84](#); 2017, c. [330](#); 2018, cc. [486](#), [585](#); 2020, c. [869](#); 2021, Sp. Sess. I, cc. [104](#), [105](#); 2022, c. [233](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## School Attendance

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Regular attendance in school is the responsibility of students and their parent(s)/legal guardian(s). Learning experiences that take place in the school environment are essential to the educational process. The regular contact of students with one another in the classroom and other teacher-supervised activities is vital in reaching educational goals.

Regular and punctual classroom attendance is an important factor in academic development and achievement. It develops good habits for advanced study and/or employment and is a significant factor in determining passing course credit and/or a student's readiness for grade-level advancement.

Principals must establish adequate procedures for student accounting, for determining the nature of absences, and for making reports as required by local and state authorities. Principals will comply with all school laws in student accounting including the State Compulsory Attendance Law. Students receiving homebound instruction are considered present for attendance accounting. The principal or designee will distribute copies of the attendance policy and procedures to all students and devise a procedure for explaining the attendance policy and procedures to all students.

### Attendance Guidelines

#### Number of Allowable Absences

The school calendar has 180 days of instruction. The Virginia Department of Education's public school accountability reporting system defines "chronic absenteeism" as students who miss 10 percent or more of the school year. Therefore, it is imperative for students to attend school daily. Intermediate and high school students who miss more than fifty (50) percent of a class will be counted as absent in that class. The following attendance requirements apply in order for students to earn passing credit or grade-level advancement:

**High School:** In order to remain eligible for course credit, **students are limited to nine (9) total absences per semester class or for a class that meets every other day during the school year and eighteen (18) total absences for a class that meets every day during the school year.** Students exceeding the number of absences per class will forfeit credit for the course regardless of their course grade, but may recover credit through one of the following options:

- a) Repeat the course successfully in summer school, or
- b) Repeat the course successfully in a subsequent school term.
- c) Attend the after-school attendance recovery program to recover seat hours.

**Intermediate School:** In order to remain eligible for course credit, **students are limited to nine (9) total absences per semester class or for a class that meets every other day during the school year and eighteen (18) total absences for a class that meets every day during the school year.** Students exceeding the number of absences per class will forfeit credit for the course regardless of their course grade, but may recover credit through one of the following options:

- a) Repeat the course successfully in summer school, or
- b) Repeat the course successfully in a subsequent school term.
- c) Attend the after-school attendance recovery program to recover seat hours.

**Elementary School:** **Students are limited to eighteen (18) total absences per school year. Students exceeding eighteen (18) absences per school year will not be promoted to the next grade level unless they meet one of the following recovery options:**

- a) Attend summer remediation and demonstrate successful skills, or
- b) Repeat the grade level successfully in a subsequent school term.

### Absence Verification:

A student's absence is considered **unverified** when the school has no documentation of the student's absence from the parent/legal guardian. The parent is required to verify **any** absence-upon the student's return to school or **within five (5) school days** of the absence. Extended absences due to illness may require medical documentation. All documentation will be retained until the end of the school year for the attendance waiver review panel to consider. If documentation of an absence is not received within the five-day timeframe, the absence will be considered unverified. Excessive absences may result in legal action in accordance with Virginia law.

### Extenuating (Excused) Circumstances

The following extenuating circumstances when verified by the parent/legal guardian in accordance with this policy provide the only acceptable reasons for a student's absence from school. However, should a student exceed the allowable number of absences, documentation within the required timeframe of these absences must still be provided for consideration of an attendance waiver.

- Civic Event – Middle or high school students engaged in a civic event may be excused one day per school year.
- Illness – When a student is unable to attend school due to an illness, a note written by the parent or a physician documenting the illness must be presented-
- Medical – Students with a medically certified condition that may impact school attendance may request relief of policy requirements through the waiver process provided appropriate documentation indicating the absences were directly related to the existing medical condition-
- Family Death – When a student is absent because of death in the family, the parent must notify the school and provide documentation for the absence-
- Court or Agency– When a student is absent because of an appointment with the court, social services, or other state agencies, official documentation from the court or agency must be presented to the school.
- Religious Observances – Absences as a result of religious holidays should be pre arranged by the parent, the parent is responsible for notifying the student's school of the religious holidays to be observed.
- 4-H Educational Program or Activity – When a student is absent for participation in a 4-H educational program or activity; no credit will be provided for a student whose participation in a 4-H educational program or activity occurs during scheduled Standards of Learning assessments or during any period of time that the student is suspended or expelled from school; the student's principal or assistant principal may request a representative of 4-H to provide documentation of a student's participation in order for the student's absence to be excused subject to guidelines established by the Virginia Department of Education.
- Tribal Nation Pow Wow Gathering - Students who are members of a state- or federally-recognized tribal nation that is headquartered in Virginia shall be granted one excused absence per academic year to attend such nation's pow wow gathering provided that the student's parent provides the student's school advance notice of the absence.
- Suspensions/Exclusions – When a student is absent due to a suspension or exclusion, the parent will ensure the student returns to school on the student's date of return as specified by the school administration.

### Tardiness and Early Dismissals

It is important for students to be in school for the entirety of the school day. Medical appointments should be arranged before or after school whenever possible. However, when this is not possible, a doctor's note is required upon the student's return to school. A written note from the parent/guardian must accompany all non-medical related tardies and/or early dismissals.

Tardies or early dismissals for reasons other than the extenuating circumstances enumerated herein, or emergency reasons, as determined/approved by a building principal or designee, **will be considered unexcused and may be counted toward an absence.**

### **Makeup Work**

Students who are absent from school may make up and receive credit for all missed assignments. Makeup work is encouraged so that students will profit from future instruction. In the intermediate and high school, it is the student's responsibility to ask the teacher for the work missed due to absence. Parents of elementary school students are responsible for requesting makeup work for the student. Upon the student's return to school, he/she will be given makeup work. Due dates for makeup work will be assigned at the discretion of the classroom teacher. The student may receive a reduced grade or no credit for the assignment if the work is not submitted by the assigned due date. If a parent fails to verify an absence, the teacher has the discretion to adjust the grades of any makeup work submitted.

Note: A parent or eligible student may request work prior to a pre-scheduled/pre-determined absence. Such requests will be reviewed and may be accommodated. If requests are not accommodated, upon the student's return to school, he/she may be given makeup work by the teacher with a specified date of completion.

## **LAWS REGARDING THE PROSECUTION OF JUVENILES AS ADULTS**

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The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults:

Section 22.1-279.4 of the *Code of Virginia* states:

School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.

The following information in question-and-answer format provides the notice required by this section of the *Code*.

**Who is a juvenile?** Section 16.1-228 of the *Code of Virginia* defines a juvenile as “a person less than 18 years of age.” Section 16.1-269.1 of the *Code* permits juveniles, 14 years of age or older at the time of an alleged offense, to be prosecuted as adults for specific crimes under certain circumstances. This process is called a transfer to the appropriate circuit court for trial as an adult.

**How is the age of the juvenile calculated?** Section 16.1-241 of the *Code of Virginia* provides that for the purpose of transferring a juvenile to circuit court for trial as an adult, the child must have been age 14 or older at the time of the offense.

### **Under what circumstances does the law permit the transfer of juveniles for trial as adults?**

The *Code of Virginia* permits the transfer of juveniles for trial as adults under three specific circumstances. The following is a description of each circumstance and the procedure that is followed in order to determine whether the student is transferred to circuit court.

#### **Circumstance #1**

A transfer can occur when a juvenile, who is age 14 or older at the time of the offense, is charged with a crime which would be a felony if committed by an adult (§ 16.1-269.1 A. of the *Code of Virginia*). Offenses are either felonies or misdemeanors. Those offenses that are punishable by confinement in a state correctional facility or death are felonies; all other offenses are misdemeanors. Felonies are classified for the purposes of punishment and sentencing into six classes. The authorized punishments for conviction of a felony are as follows:

- Class 1 felony – death if the person convicted was 18 years of age or older at the time of the offense and is not determined to be mentally retarded and a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be mentally retarded, the punishment shall be imprisonment for life or imprisonment for life and a fine of not more than \$100,000.
- Class 2 felony – imprisonment for life or for any term not less than twenty years or imprisonment for life or for any term not less than twenty years and a fine of not more than \$100,000.
- Class 3 felony – a term of imprisonment of not less than five years nor more than twenty years or a term of imprisonment of not less than five years nor more than twenty years and a fine of not more than \$100,000.
- Class 4 felony – a term of imprisonment of not less than two years nor more than ten years or a term of imprisonment of not less than two years nor more than ten years and a fine of not more than \$100,000.
- Class 5 felony – a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

- Class 6 felony – a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. (§§ 18.2-9 and 18.2-10 of the *Code of Virginia*)

In this circumstance, the Commonwealth’s Attorney’s office makes a formal request to the judge of the juvenile court for the juvenile to be transferred to the circuit court. The juvenile court holds a transfer hearing and may retain jurisdiction or transfer the juvenile to the appropriate circuit court for criminal proceedings. Any transfer to the circuit court is subject to the following conditions:

- (1) notice;
- (2) probable cause to believe that the juvenile committed the alleged delinquent act or a lesser included delinquent act;
- (3) the juvenile is competent to stand trial; and,
- (4) the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The decision regarding whether the juvenile is not a proper person to remain within the jurisdiction of the juvenile court is based upon, but not limited to, the following factors:

- The juvenile’s age
- The seriousness and number of alleged offenses
- Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation
- The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems needed by the juvenile
- The record and previous history of the juvenile in the jurisdiction where the alleged crime occurred or in other jurisdictions
- Whether the juvenile has escaped from a juvenile correctional entity in the past
- The extent, if any, of the juvenile’s degree of mental retardation or mental illness
- The juvenile’s school record and education
- The juvenile’s mental and emotional maturity
- The juvenile’s physical condition and maturity

### **Circumstance #2**

A transfer can occur when a juvenile 14 years of age or older is charged with an offense which would be a felony if committed by an adult. (§ 16.1-269.1 C of the *Code of Virginia*)

In this circumstance, transfer is requested at the discretion of the Commonwealth’s Attorney. If the Commonwealth’s Attorney wishes to transfer the juvenile for trial as an adult, the juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§16.1-269.1 C of the *Code of Virginia*)

### **Circumstance #3**

A transfer occurs when a juvenile 14 years of age or older at the time of the alleged offense is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding. (§ 16.1-269.1 B of the *Code of Virginia*)

Transfer under this circumstance is automatic. Whenever a juvenile 14 years of age or older is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding, he or she must be tried as an adult. The juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ 16.1-269.1 B of the *Code of Virginia*)

**If a juvenile is transferred for prosecution as an adult on one offense, what happens if he or she has also been charged with other offenses?** If any one charge is transferred, all other charges of delinquency arising out of the same

act will be transferred. (§ 16.1-269.6 of the *Code of Virginia*)

**Does the transfer impact subsequent alleged criminal offenses?** Yes. Once a juvenile is convicted of a crime as an adult in circuit court, all subsequent alleged criminal offenses of whatever nature, will be treated as adult offenses and no transfer hearing will be required. (§ 16.1-269.6 of the *Code of Virginia*)

**What happens when an adult is sentenced for a crime he or she committed as a juvenile?** When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense which would be a crime if committed by an adult, the court may impose a penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. (§ 16.1-284 of the *Code of Virginia*)

**What can happen if a juvenile is tried as an adult?** There are significant differences between a juvenile being tried as a juvenile and a juvenile being tried in the circuit court as an adult. In the juvenile system, a juvenile is given added protections because of his or her youth.

- First, records pertaining to the charge and adjudication of delinquency are confidential and may not be available to the public unless the crime was a felony.
- Second, if the adjudication is for a misdemeanor, the juvenile court record is expunged when the juvenile reaches the age of majority and is considered an adult.
- Third, a juvenile who is adjudicated delinquent remains in the juvenile system, where a judge has discretion in the determination of the punishment or consequences to be imposed. In the juvenile system, the emphasis is on treatment and education.

In contrast, if a juvenile is prosecuted as an adult, the issues and information related to the charge and the conviction of a crime are part of the public record. Because the information becomes an adult criminal record, it is not expunged when the juvenile reaches the age of 18. Additionally, the judge does not have the same discretion in sentencing. The judge in circuit court must impose at least the mandatory minimum sentence that is prescribed in sentencing guidelines. The circuit court does have the discretionary power to commit the juvenile to the juvenile system even if prosecuted as an adult.

## Violations of the Student Code of Conduct

It is understood that justice can be best served if all people who are subject to specific rules and regulations are fully aware of the expectations that have been placed upon them, and that those who are charged with the management of the rules and regulations are given sufficient flexibility to consider all factors before rendering a decision. Since there are degrees of severity for established rules and regulations and there may be wide variations in the circumstances surrounding each infraction, fairness is better served by establishing a series of suggested alternatives, rather than mandating specific actions.

In line with this reasoning, various violations of established rules and regulations have been identified and suggested approaches for resolution are presented. It should be understood that this is not a limiting document; not all possible violations have been identified and not all possible methods of resolution have been listed. As in all situations, all charges will be explained, and all such actions may be appealed through procedural due process. Incidents sent to the principal for action are placed in the student's scholastic record. All records of disciplinary action are maintained throughout a student's educational career.

Students are subject to corrective action for any misconduct that occurs:

- In school or on school property; school property is defined as all property owned, leased, rented or otherwise used by a school, including, but not limited to the following:
  - All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage;
  - Any indoor facility or portion of such facility owned, leased, or contracted for and used for the provision of regular or routine health care, day care, or early childhood development services;
  - All vehicles used by the division for transporting students, staff, visitors, or other persons;
  - The entire school campus, including grounds and athletic fields.
- While participating in or attending any school-sponsored activity,
- On the way to and from school, including bus stops; and
- Off school property, when the act: (1) results in an adjudication of delinquency pursuant to Virginia Code §16.1-305.1 or a conviction for an offense listed in Virginia Code §16.1-260 or (2) results in a charge that would be a felony if committed by an adult or (3) negatively impacts the school system.

Unlawful acts, which may lead to law enforcement notification, school suspension, riding the school bus, exclusion from activities, and/or possible expulsion, could include but are not limited to:

- possession or use of alcohol, illegal drugs, including marijuana, synthetic cannabinoids as defined in Va. Code §18.2-248.1:1, and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;
- sexual assault/battery;
- arson;
- intentional injury (bullying, fighting);
- theft;
- bomb threats; including false threats, against school personnel or school property;
- use or possession of explosives as outlined in ECPS policy;
- possession of weapons or firearms as outlined in ECPS policy;
- extortion, blackmail, or coercion;
- driving without a license on school property;
- homicide;
- burglary;
- sex offenses (indecent exposure, obscene phone calls, sodomy, and child molestation);
- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting, or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

### **Student Behavior Categories**

The following behavior categories have been developed by the state and are designed to recognize the impact student behavior has on the school environment and on learning. They encourage awareness of students' social-emotional development and emphasize the importance of helping students achieve academically and develop SEL (Social-Emotional Learning) competencies.

### **Behaviors that Impede Academic Progress (BAP)**

These behaviors impede the academic progress of the student or of students. They are typically indicative of the student's lack of self-management or self-awareness. Sometimes, the student may need help in understanding how the behavior impacts others so training in social awareness may also be indicated.

### **Behaviors Related to School Operations (BSO)**

These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills.

### **Relationship Behaviors (RB)**

These behaviors create a negative relationship between two or more people that does not result in physical harm. Relationship behaviors affect the whole school community in that the school climate is often a reflection of how people treat one another. Students who exhibit difficulty with relationship behaviors may also have difficulty with the other social-emotional competencies.

### **Behaviors that Present a Safety Concern (BSC)**

These behaviors create unsafe conditions for students, staff, and visitors to the school. The underlying reasons for this type of behavior may lie in any of the social-emotional competencies so the administrator should investigate the underlying motivation for the student's behavior. Training in social awareness and decision-making are usually indicated in any behavior that creates a safety concern.

### **Behaviors that Endanger Self or Others (BESO)**

These behaviors endanger the health, safety, or welfare of either the student or others in the school community. Behaviors that rise to this level of severity are often complex. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.

### **Persistently Dangerous Behaviors (PD)**

These behaviors contribute to schools deemed as persistently dangerous by the state.

## **BEHAVIOR DESCRIPTORS**

Code for Reporting Purposes	Description
<b>BAP: Behaviors that Impede the Academic Progress (BAP) of the student or of other students</b>	
BAP1	Interfering with learning in the classroom (examples: inappropriate talking, excessive/rude noise, off-task, out of seat, possessing items that distract, horseplay)
BAP2	Interfering with learning outside of the classroom (examples: inappropriate talking, excessive/rude noise, interrupting a class, horseplay)
BAP3	Scholastic dishonesty (such as cheating, giving or receiving any unauthorized aid or assistance or unfair advantage on any form of academic work; and plagiarism, falsely claiming authorship, to include copying of language, structure, idea, and/or thought of another and representing it as one's own original work)
BAP4	Unexcused tardiness to class
BAP5	Unexcused tardiness to school
<b>BSO: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures</b>	
BSO1	Altering an official document or record (writing or using the signature or initials of another person for the expressed purpose of misleading)
BSO2	Giving false information, misrepresentation (to include lying which encompasses any act, verbal or written, where the violation of rules or truthfulness was intentionally done)
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school (to include refusal to work in class, minor insubordination, improper vehicle use and repeated refusals to comply or display appropriate behavior)
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building
BSO7	Dress Code Violation - A student's dress and appearance shall not be such that it causes a disruption, distracts others from the education process or creates a health or safety problem.
BSO8	Gambling (participation in games of chance for the purpose of exchanging items of value)
BSO9	Possessing items that are inappropriate for school (examples include toys, literature, electronics. Items will be confiscated and only returned to the parent/legal guardian.)
BSO10	Possession of stolen items
BSO11	Unauthorized use of school electronic or other equipment (Includes, but not limited to, all computers, electronic readers, servers, network devices, telecommunication devices, printers, scanners, peripheral equipment, internet access, software, apps, application systems, web resources, data, and digital content.)
BSO12	Violation of the Acceptable Use of Technology/Internet policy - The unauthorized use of technology and information gained through its use without permission is prohibited, as specified in School Board policy, File No. IIBEA-R Acceptable Computer System Use. Students may also be subject to appropriate legal action.
BSO13	Violation of school board policy regarding the possession or use of portable communication devices (cell phones). ECPS will not be responsible for any lost, confiscated or damaged devices as students assume all responsibility by bringing devices on school property.
BSO14	Vandalism, graffiti or other damage to school or personal property (A student will not willfully or maliciously deface, damage, or destroy property belonging to another, including school property at any time and private property while the student is under the school's jurisdiction. A student or parent/legal guardian will be held financially responsible, as allowed by The Code of Virginia, for willful or malicious destruction of school property.)
BSO15	Student is not going to class as assigned.
BSO16	Student is in an unauthorized area of the campus.

	<b>RB: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done)</b>
RB1	Bullying with no physical injury (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 does not include ordinary teasing, horseplay, argument, or peer conflict.)
RB2	Cyberbullying (Using information and communication technologies, such as cell phone text messages and pictures, internet email, social networking websites, defamatory personal websites, and defamatory online personal polling websites to support deliberate, hostile, hurtful messages intended to harm. This behavior is aggressive and unwanted, intending to harm, intimidate, or humiliate the victim.)
RB3	Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronic means (to include nude or explicit photos)
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature (to include obscene phone calls and sexual harassment, defined as <i>unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.</i>
RB5	Stealing money or property without physical force (to intentionally take or attempt to take the property of another without consent)
RB6	Speaking to another in an uncivil, discourteous manner
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)
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.
RB10	Failure to respond to questions or requests by staff (could include walking away, refusing to identify self properly, challenging authority)
RB11	Unwanted or inappropriate physical contact (improper physical contact against a student or staff that is offensive, undesirable, and/or unwanted as determined by the victim or inappropriate sexual behavior that includes consensual sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat).
	<b>BSC: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school.</b>
BSC1	Alcohol: Possessing, using, or being under the influence of alcohol Students will not use, have in their possession, have dominion and/or control of, or be under the influence of alcohol, in any form, on School Board property, at school-sponsored activities, or while going to or from school.
BSC2	Alcohol: Distributing alcohol to other students Students will not distribute alcohol, in any form, on School Board property, at school-sponsored activities, or while going to or from school.
BSC3	Drugs: Possessing drug paraphernalia Students will not use, have in their possession, have dominion and/or control of drug paraphernalia (pipes, etc.) on School Board property, at school-sponsored activities, or while going to or from school.
BSC4	Drugs: Violating school board non-prescription (over-the-counter) medication policy or look-alike drug policy Students are not to be in possession of medication (prescribed or over-the-counter) at any time. In addition, any substance, which is distributed as though it were a "drug", even if analysis shows that it is not.

BSC5	Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia, electronic cigarettes, vaping equipment  Students are prohibited from possessing, selling or trading or offering to do so, smoking, and/or using tobacco products or nicotine vapor or alternative nicotine products as defined in Virginia Code §18.2-371.2, as amended, at all times while on School Board owned or leased property, in School Board vehicles, in any vehicle parked on School Board property, at on or off site school-sponsored or school-related activities, or while going to or coming home from school.
BSC6	Bullying Behavior without physical injury that continues after intervention. (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 does not include ordinary teasing, horseplay, argument, or peer conflict.) Bullying that leads to physical injury will be classified as Assault and Battery.
BSC7	Cyberbullying that continues after intervention. (Using information and communication technologies, such as cell phone text messages and pictures, internet email, social networking websites, defamatory personal websites, and defamatory online personal polling websites to support deliberate, hostile, hurtful messages intended to harm. This behavior is aggressive and unwanted, intending to harm, intimidate, or humiliate the victim.) Cyberbullying that relates a threat to the safety of students and staff will be treated with a higher level of intervention and consequences.
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment. Harassment or discrimination consists of verbal or physical conduct or other action relating to a person’s race, color, sex, disability, national origin, ethnicity, or religion.
BSC9	Bus: Distracting the bus driver
BSC10	Bus: Endangering the safety of others on the bus
BSC11	Fire alarm: Falsely activating a fire or other disaster alarm (to include false calls to 911)
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke
BSC13	Engaging in reckless behavior the creates a risk of injury to self or others or that is dangerous to the health or safety of self or others
BSC14	Fighting that results in no injury as determined by the school administration - Fighting involves two or more parties in conflict when they are striking each other for the purpose of causing harm or injury. This may extend to mutual shoving, wrestling, or other aggressive actions that may result in the danger of harm or injury to either party, bystanders, or school property.
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students, this includes actions and/or statements, written or verbal, including threats to school.  Inciting a riot is unlawful use of force or violence that seriously jeopardizes the public safety, peace, or order. (Three or more people acting together.)
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage
BSC17	Shoving, pushing, striking, biting another a student with no visible injury (also includes scratching, kicking, blocking the passage of, cutting or pulling another student’s hair and “pantsing”)
BSC18	Exposing body parts, lewd or indecent public behavior
BSC19	Physical contact of a sexual nature – patting body parts, pinching, tugging clothing
BSC21	Stalking as described in the <i>Code of Virginia</i> section 18.2-60.3 (Class 1 misdemeanor) One who engages in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury.
BSC22	Stealing money or property using physical force (no weapon involved)
BSC24	Leaving school grounds without permission

BSC25	Trespassing: Entering or remaining on a public school campus or School Board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension/expulsion and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave.
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another
BSC27	<p>Weapons: Possessing any weapon (other than a firearm) as defined by § 18.2-308.1. Possession includes bringing onto school property and/or storing in vehicle, locker or other receptacle.</p> <p><b>Pneumatic Weapon</b> - Possession, handling, using, or distribution of pellet guns, BB guns, paintball guns, air pistols and all other devices under the definition of pneumatic weapon in the Code of Virginia.</p> <p><b>Taser or Stun Gun</b> - Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge or shock through the use of a projectile or exceeds the equivalency of five milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.</p> <p><b>Look-alike Firearm</b> - Possession of an instrument or device that resembles or looks like a pistol, revolver, or any type of weapon but not capable of propelling a missile. May include but not be limited to a cap pistol, water pistol, or any look-alike gun. Principal may determine if a look-alike is a weapon by considering the following:</p> <ol style="list-style-type: none"> <li>1. Whether it is reasonable that a person would mistake the object for a weapon;</li> <li>2. Whether the object was used for the purpose of threatening, intimidating, harassing, or harming another person; and/or</li> <li>3. Whether it was the intent of the student who possessed, handled, used, or distributed the object to cause another person, or other persons, to believe that the object was, in fact, a weapon.</li> </ol> <p><b>Knife</b> - Possessing or bringing to school or school-sponsored event any sharp-edged instrument that is classified as a knife with a blade of three inches or more.</p>
<b>BESO: 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.</b>	
BESO1	Assault: Intending to cause physical injury to another person
BESO2	Assault and Battery: Intentionally causing physical injury to another person without the use of a firearm or other weapon
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration. Fighting involves two or more parties in conflict when they are striking each other for the purpose of causing harm or injury. This may extend to mutual shoving, wrestling, or other aggressive actions that may result in the danger of harm or injury to either party, bystanders, or school property.
BESO4	Striking Staff: The use of force against a staff member when no injury is caused (to include hitting, pushing, scratching, kicking, blocking the passage of, throwing objects at staff)
BESO5	Drugs: Possessing controlled substances, illegal drugs inhalants, or synthetic hallucinogens or unauthorized prescription medications Students will not have in their possession or have dominion and/or control of marijuana or controlled substances on School Board property, at school-sponsored activities, or while going to or from school.
BESO6	Drugs: Being under the influence of controlled substances, illegal drugs, inhalants, or synthetic hallucinogens or unauthorized prescription medications Students will not be under the influence of marijuana or controlled substances on School Board property, at school-sponsored activities, or while going to or from school.
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications. Students will not use marijuana or controlled substances on School Board property, at school-sponsored activities, or while going to or from school.
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire. Firecrackers, fireworks, and trash can fire would be included in this category if they were contributing factors to a damaging fire.
BESO10	Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46.1. Street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, which has as one of its primary objectives or activities the commission of one or more criminal or non-criminal gang activities. This includes articles of clothing that symbolize association, rituals, or activities identified by groups of students.
BESO11	Hazing as defined in §18.2-56 and noted in § 22.1-279.6. Initiation of another student into a club, group, or any other organization through abuse and humiliation or as to cause bodily injury.

BESO12	Threatening, intimidating, or instigating violence, injury or harm to a staff member or members in a verbal or physical (without a weapon) method on a school bus, on school property, or at school-sponsored or related activity is prohibited. Making a threat, including false threats and posturing, against division personnel or encouraging, inciting, enticing, or soliciting any person to commit such a threat is unlawful and forbidden. A student shall be in violation of this rule regardless of whether the person who is the object of the threat receives the threat, so long as a reasonable person would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault, or it materially disrupts classwork, involves substantial disorder, or invades the rights of others.
BESO13	Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s) in a verbal or physical (without a weapon), method on a school bus, on school property, or at school-sponsored or related activity is prohibited. Making a threat, including false threats and posturing, against students or others or encouraging, inciting, enticing, or soliciting any person to commit such a threat is unlawful and forbidden. A student shall be in violation of this rule regardless of whether the person who is the object of the threat receives the threat, so long as a reasonable person would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault, or it materially disrupts classwork, involves substantial disorder, or invades the rights of others.
BESO14	Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s) through the use of written or electronic transmission methods on a school bus, on school property, or at school-sponsored or related activity is prohibited. Making a threat, including false threats and posturing, against students or others or encouraging, inciting, enticing, or soliciting any person to commit such a threat is unlawful and forbidden. A student shall be in violation of this rule regardless of whether the person who is the object of the threat receives the threat, so long as a reasonable person would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault, or it materially disrupts classwork, involves substantial disorder, or invades the rights of others.
BESO15	Using an object not generally considered to be a weapon to threaten or attempt to injure school personnel
BESO16	Using-an object not generally considered to be a weapon to threaten or attempt to injure students or others
BESO17	Making a bomb threat, including false threats, against division personnel or School Board property, or encouraging, inciting, enticing, or soliciting any person to commit such a threat is unlawful and forbidden.
	<b>PD: Behaviors described in the Virginia’s Unsafe School Choice Option Policy required by the federal Every Student Succeeds Act of 2015.</b>
	<b>Sub-Category I</b>
PD1	Homicide (Firearm)- Death of a student or ECPS employee as a result of a student's use of a firearm.
PD2	Homicide (Other Weapon) - Death of a student or ECPS employee as a result of a student's use of a weapon.
PD3	Sexual Assault - Sexual penetration (e.g., oral, anal, or vaginal) without consent. This category includes statutory rape that is defined as sexual penetration with or without the consent of a minor.
PD4	Attempted Sexual Assault - Attempted sexual penetration (e.g., oral, anal, or vaginal) without consent. This category includes statutory rape that is defined as sexual penetration with or without the consent of a minor.
PD5	Use of a Bomb - Use of any device possessed or assembled at school that contains combustible material or combustible material and a fuse.
	<b>Sub-Category II</b>
PD6	Assault with Firearm or Weapon - Physical violence with use of a weapon, directed toward another person and causing bodily harm is considered an assault with a firearm or weapon.
PD7	Actual or Attempted Robbery - A student will not take or attempt to take another person’s property by force or violence. This includes obtaining money, property, or other objects of value, either tangible or intangible.
PD8	Kidnapping/Abduction Unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s)/legal guardian(s). This includes hostage-taking.
PD9	Malicious Wounding without a Weapon - Any person who maliciously wounds another person or by causing bodily injury, with the intent to maim, disfigure, disable, or kill.

PD10	Aggravated Sexual Battery on a Student - Sexual abuse of a victim: who is less than thirteen years of age, or that act is accomplished against the will of the victim, by force, threat or intimidation, or through the use of the victim's mental incapacity or physical helplessness, and—the victim is at least thirteen but less than fifteen years of age, or the accused causes serious bodily or mental injury to the victim, or the accused used or threatens to use a dangerous weapon. Sexual Abuse means an act committed with the intent to sexually molest, arouse, or gratify any person.
<b>Sub-Category III</b>	
PD11	Illegal Possession of Handgun - The possession, handling, using, or distribution of a firearm, whether loaded or unloaded, operative or inoperative, on the way to or from school, on school property, or at any school-sponsored or related activity is prohibited. Possession includes bringing a firearm onto school property, storing it in a vehicle, locker, or other receptacle.
PD12	Illegal Possession of Rifle or Shotgun - The possession, handling, using, or distribution of a rifle or shotgun, whether loaded or unloaded, operative or inoperative, on the way to or from school, on school property, or at any school-sponsored or related activity is prohibited. Possession includes bringing a firearm onto school property, storing it in a vehicle, locker, or other receptacle.
PD13	Illegal Possession of Any Other Projectile Weapon - Any weapon designed to expel a projectile or that may readily be converted or modified manufactured guns to expel a projectile by the action of an explosive device.
PD14	Illegal Possession of Bomb - Any device possessed or assembled at school that contains combustible material or combustible material and a fuse.
PD15	Illegal Possession of Other Firearms: firebombs, explosive materials or devices, hoax explosive devices per §18.2-85, or explosive incendiary devices, as defined in §18.2-433.1, or chemical bombs per §18.2-87.1
PD16	Illegal Possession of Controlled Drugs and Substances with Intent to Distribute or Sell (to include sale/distribution of anabolic steroid, illegal drug inhalant, marijuana, Schedule 1 or 2 drug and prescription drugs)

## **Behavior on School Buses**

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While students are on the bus, they are in the driver's care and must obey the driver. The driver has the authority and is encouraged to assign seats to all students. Once a student boards the bus, he/she may not exit without written permission of the parent or guardian and approval of the principal until he/she reaches home or school. No special stops will be made between regular stops.

Students will not be allowed to ride another bus without the written permission of the parent or guardian and approval of the principal. Approval will be denied if a bus has reached its safe maximum load of registered students. Emergency situations will be approved only with the concurrence of the Transportation Office. No student has the right to keep another student from sitting in any vacant seat nor may any student reserve seats for someone else.

Forbidden objects on the bus include, but are not limited to: balloons, glass containers, live animals/insects, flowers, aerosol deodorant/perfumes, skateboards or any other object which may adversely affect the safe operation of the school bus.

Violations of the *Student Code of Conduct* include misbehavior on school buses. Students with incidents on the bus will receive an administrative response as outlined in the *Student Code of Conduct*.

### **DISCIPLINARY ACTIONS FOR BUS OFFENSES**

A warning may be issued by the driver, and the student may be given an assigned front seat.

Note: The driver has the authority to revoke a student's riding privilege for one morning run for violations that affect the safety and welfare of others on the bus. The driver will make every reasonable effort to notify the student, parent/guardian, school principal, and the Director of Transportation.

Repeated acts will be referred to the school principal or his/her designee and the Director of Transportation; possible consequences include, but are not limited to:

- Conference between the bus driver, student, parent or guardian, school principal or his/her designee, and/or Director of Transportation
- Detention at the student's school
- Suspension from the bus and/or school from one (1) to ten (10) school days can be imposed
- Recommendation for a long-term suspension or expulsion

Note: Students who are off the bus, but using abusive language or actions that could be interpreted as intended for those who are still in the vicinity of school property, will be treated as if they were on school property.

### **ACTIVITY BUSES**

Activity buses are available to ECPS students to enable them to take full advantage of all after school activities. These buses **do not** serve all roads and are not intended to provide door-to-door service. The activity buses serve designated stops on the major roads of the county, which will allow parents to meet their children. Parents whose children expect to ride the activity buses should contact the school to determine the exact drop-off location and times of the activity bus route. Students are reminded that the same code of conduct applies to activity buses.

## **Arson/Bomb Threat: Actual/Attempted**

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All items confiscated in a case of recommended expulsion for violations in this category should be safely and properly secured and may be turned over to the school's resource officer. Photographs and/or a descriptive statement of the confiscated item should be included in the suspension/expulsion packet.

- A. IF any person maliciously burns, or by the use of any explosive device or substance, maliciously destroys, in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destroying, of ...schoolhouse, or other building erected for public use...or if he maliciously sets fire to anything, or causes to be set on fire, or aids, counsels, or procures the setting on fire of anything, by the burning whereof any building mentioned in this section is burned the offender shall be guilty of Arson. The use or intent to use any material (matches, lighters, etc.) which may result in a fire on school property or setting fire to the property of students, staff, or volunteers is prohibited unless specifically authorized by school officials.
  
- B. Making and communicating to another by any means any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation, or communicating to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of transportation.

## Assault/Fighting/Threats

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Students and school personnel are entitled to a school environment free from threat, aggression, and assault.

- A. Actions, comments, or written messages intended to cause others to fight, or which may result in a fight are prohibited.
- B. Intentionally hitting, shoving, scratching, biting, kicking, blocking the passage of, or throwing objects at a student is prohibited.
- C. Conveying by gestures, notes, or verbal comments with the intent to cause bodily injury or to deprive a student of his/her rights is prohibited.
- D. Fighting involving two or more parties in conflict when they are striking each other for the purpose of causing harm or injury is prohibited. This action may extend to mutual shoving, wrestling, or other aggressive actions which may result in the danger of harm or injury to either party, bystanders, or school property.
- E. The willful use of physical violence which is intended to result in bodily injury or the use of a dangerous object in an effort to cause bodily injury is prohibited.
- F. Assault upon a School Board employee, School Resource Officer, Police Officer, School Security Officer, or volunteer is prohibited. **VIOLATION OF THIS RULE MAY RESULT IN A RECOMMENDATION FOR EXPULSION.**
- G. Conveying by gestures, notes, or verbal comments with the intent to cause bodily injury or to deprive a School Board employee, School Resource Officer, Police Officer, School Security Officer, or volunteer, of his/her rights, or demonstrating hostile acts, is prohibited.
- H. The willful use of physical or verbal threats or physical abuse intended to result in an involuntary transfer of money or property to another student is prohibited.
- I. Cursing, threatening, using abusive language, bullying, and cyberbullying (as further defined in this Code), teasing, hazing, or other acts of intimidation are prohibited. This includes, but are not limited to, any verbal, written, electronic (through any social chat rooms, web space, telephones, or text messaging), physical or mental teasing, threat of bodily injury or use of force directed toward and based upon a person's actual or perceived race, religion, sex, sexual orientation, gender, gender identity, transgender status, national origin, disability, or intellectual ability.
- J. Unsafe conduct which endangers either oneself or others is prohibited.

## Hazing

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A student shall not engage in “hazing”. Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

## Bullying/Harassment

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*ECPS takes bullying seriously, therefore additional offenses under this category may warrant more serious consequences.*

A student, either individually or as a part of a group, shall not harass or bully others. Prohibited conduct includes, but is not limited to the following: physical, verbal, or written intimidation; taunting, name-calling or insulting another; lying about and spreading rumors about another; social exclusion or isolation of another, expressing a threatening body posture toward another; taking or damaging money or possessions of another; threatening or forcing another to do things; and any combination of these prohibited activities. Prohibited conduct includes verbal or written conduct consisting of comments directed toward and/or based upon another’s actual or perceived race, religion, sex, sexual orientation, gender, gender identity, transgender status, national origin, disability, physical abilities or characteristics or intellectual ability, or associates of the targeted person or group. More specifically, the use of oral, written, or electronic language, gestures, objects, or images that are racially and/or ethnically offensive is strictly prohibited. Any aggressive behavior that involves unwanted negative actions and a pattern of behavior repeated over time, and an imbalance of power or strength is considered bullying and will not be tolerated.

- A. Repeated, unwanted negative overtures and actions over time toward a person or persons are prohibited.
- B. Bullying methods such as verbal abuse, social exclusion or isolation, physical abuse, intimidation, lies, rumors, sexual inferences, robbery, damaged personal items, threats, racial attacks, and bullying through electronic devices will not be tolerated.
- C. Electronic bullying and/or cyberbullying-related activity of any nature and/or that is obscene, pornographic, threatening, or otherwise inappropriate, including but not limited to, email, social media posts, instant messaging, web pages, and use of hardware and/or software which substantially disrupts or interferes with the safety and welfare of the school and its students, are strictly prohibited, even if such uses/actions take place off school property (i.e., home, business, private property, etc.).
- D. The principal or his/her designee shall notify the parent of any student involved in an alleged incident of bullying and of the status of any investigation within five (5) school days of the allegation of bullying.
- E. All aspects of the Acceptable Use Policy/Regulation apply to this section on bullying can be found online in the Essex County Public Schools policy manual under the Acceptable Computer Use (GAB/IIBEA) and Acceptable Computer Use Regulations (GAB-R/IIBEA-R) for the full online Essex County Public Schools policy manual.
- F. Conveying by gestures, notes, or verbal comments with the intent to cause bodily/emotional injury or to deprive a

student of his rights is prohibited.

- G. The willful use of physical or verbal threats or physical abuse intended to result in an involuntary transfer of money or property to another student is prohibited.
- H. Cursing, using abusive language, teasing, hazing, or other acts of intimidation are prohibited. This includes, but is not limited to, any verbal, written, physical or mental teasing, threat of bodily injury or use of force directed toward and based upon a person's actual or perceived race, religion, sex, sexual orientation, gender, gender identity, transgender status, national origin, disability, or intellectual ability.

## **Dangerous Objects and Firearms**

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The possession of a firearm, air gun/rifle, BB gun, or other destructive device as defined by § 22.1-277.07 of the Code of Virginia on school property, in a school division vehicle, or at a school-sponsored event is strictly prohibited.

In accordance with § 22.1-277.07 of the Code of Virginia, a student who is determined to have possessed a firearm or an air rifle or BB gun on school property, in a school division vehicle, or at a school-sponsored event shall be expelled for no less than one calendar year (365 days). The Superintendent, his/her designee, or the School Board, however, may determine, based on the facts of the particular case, that special circumstances exist and no disciplinary action or another disciplinary action is appropriate.

All items confiscated in a case of recommended expulsion for violations in this category should be safely and properly secured and may be turned over to the school's resource officer. Photographs and/or a descriptive statement of the confiscated item should be included in the suspension/expulsion packet.

*Each* student who attends school in Essex County has the right to learn in a safe environment with others who respect his/her well-being. The following categories are considered extremely serious violations which threaten a suitable and secure learning environment:

- A. The possession of dangerous objects is prohibited. Dangerous objects include the representation of items commonly understood to be inappropriate to school activities. These items include, but are not limited to, bullets, machetes, brass knuckles, switchblades, knives, box cutters, other sharp objects, Chinese stars, mace, firecrackers, fireworks, stink bombs, etc. Also included is the misuse of commonplace objects, including but not limited to keys, locks, etc. Violation of this rule may result in a recommendation for expulsion.
- B. The possession of look-alike weapons, including, but not limited to, cap guns, squirt or water guns, toy pistols, comb knives, etc., is prohibited on school property.
- C. The objects noted in A and B used or intended to intrude on the security and safety of fellow students and school personnel **WILL RESULT IN AN AUTOMATIC RECOMMENDATION FOR EXPULSION. ALL CASES IN A and B WILL BE HEARD BY THE SCHOOL BOARD FOR THE FINAL DECISION.**
- D. The possession, use, or representation of a firearm, whether loaded or unloaded, operative or inoperative, on any school property or during any school activity, is prohibited unless specifically authorized by school officials. Firearms which meet the definition of firearm in the Code of Virginia. **VIOLATION OF THIS WILL RESULT IN AN AUTOMATIC RECOMMENDATION FOR EXPULSION. ALL CASES IN A and B WILL BE HEARD BY THE SCHOOL BOARD FOR THE FINAL DECISION.**

- E. The possession or representation of any explosive or flammable material considered to have the capacity to create an explosion or to start a fire, including, but not limited to, firecrackers, lighter fluid, and other flammable substances, is prohibited unless specifically authorized by school officials.
- F. Possession of a Pneumatic Weapon (includes pellet guns, BB guns, CO2 air pistols, stun weapons, paintball guns, and any other device utilizing air-driven projectiles) does not require but may result in a recommendation for expulsion. **THESE CASES WILL BE HEARD BY THE SCHOOL BOARD FOR THE FINAL DECISION.**

## Disruptive Behavior

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Students are entitled to a learning environment free of unnecessary disruption. Any physical, written, or verbal disturbance, communication, or activity, within the school setting or during related activities, which may interrupt or interfere with teaching and the orderly conduct of school activities is prohibited. Any communication, activity, or social media post, committed outside of the school setting that interrupts or interferes with the school day is also prohibited, and subject to the *Code of Student Conduct*.

- A. Any event, action, or statement which relies on chance for the monetary advantage of one participant at the expense of others is gambling. This violation includes exchanging items of value, as well as currency, and extends to keeping score for later settlement.
- B. The possession or distribution of print or electronic materials which are obscene, violent, inappropriate, or significantly disruptive to the educational process is prohibited. Distribution includes sending, forwarding, displaying, retaining, storing, sharing, or posting of obscene or disruptive materials. Included are inappropriate student expression, sexting, threats, hit lists, distribution of non authorized literature, and illegal assembly.
- C. Verbal assault is cursing, threatening, or using abusive language or written remarks intended to demean or harm a student, staff member, or visitor and is prohibited. This violation includes, but is not limited to, actions, displays, or written material of an obscene, violent, or inappropriate nature and the wearing of clothing or adornments, including inappropriate jewelry, which themselves convey either violent or sexually suggestive messages or offensive statements towards school personnel and/or students (i.e., vulgar language).
- D. Failure to respond appropriately to written or verbal directions given by school personnel, chaperones/volunteers, or law enforcement officers is considered insubordination. Also, refusing to comply with reasonable requests made by school personnel, or obstructing school personnel in a way that interferes with the operation of school, is strictly prohibited.
- E. Other activities which disrupt the orderly functions of the school include, but are not limited to: demonstrating hostile or disruptive behavior, repeated offenses/violations of the Code of Student Conduct, unauthorized fraternities or secret societies, unauthorized sales by students, possession of inappropriate toys, inappropriate use of school lockers and facilities, setting off false fire alarms, and compromising school safety (propping doors open for easy access, opening doors for individuals instead of making them enter through the main entrance, etc.).
- F. Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students). Section 16.1-260. G. of the Code of Virginia requires an intake officer to report to the division superintendent any student against whom a petition is filed for certain offenses including, prohibited criminal street gang activity pursuant to § 18.2-46.2. and recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2- 46.

## **Integrity/Honesty**

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Essex County Public Schools students are expected to perform honestly through the production of their own work. They should also demonstrate respect for the belongings and rights of others, including, but not limited to, staff members and volunteers.

### **The following acts are prohibited:**

- A. Cheating includes the actual giving, receiving, or use of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work.
- B. Plagiarism includes using or copying the language, structure, idea, and/or thought of another and representing it as one's own original work.
- C. Falsification includes, but is not limited to, a verbal, written, or electronic transmission (i.e., emails, images), including the production or use of forgery or counterfeiting.
- D. Attempting any of the above infractions may be treated in the same manner as if the infraction had been completed.
- E. Unauthorized use of technology and information accessed through technology without permission is prohibited as specified in "Technology and the Internet" on page 39. Student files may be subject to search.
- F. Willful or malicious false accusations/reports against school personnel or other students.

## **Larceny/Theft**

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Essex County Public School students are expected to respect the rights and property of others.

### **The following acts are also prohibited:**

- A. Stealing another person's possessions without right or permission. The possession of stolen property is considered theft.
- B. Any theft of money or personal or public property of significant value and/or theft involving breaking and entering, including lockers (*includes unauthorized or illegal use of ECPS assigned device(s) services*).

## **Sexual Harassment/Inappropriate Sexual Behavior**

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It is the policy of the Essex County School Board to maintain a working and learning environment, which provides for fair and equitable treatment, including freedom from sexual harassment, for all its employees and students.

Sexual harassment under Title IX is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the educational program or activity. The Code of Student Conduct prohibits Sexual harassment under Title IX as well as inappropriate sexual behavior including the distribution of obscene materials, any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. A student shall not sexually harass another student or any school employee, volunteer, student teacher, or any other person present in school facilities or at school functions.

It is prohibited for any student or employee, male or female, to harass another student or employee by making unwelcome sexual advances or requests for sexual favors, engaging in other verbal, written, electronic, or physical conduct of a sexual nature. Conditions may include, but are not limited to:

- (1) submission to or rejection of such conduct is used as a basis for academic decisions affecting the student,
- (2) such conduct creates an intimidating, hostile, or offensive working or learning environment, or
- (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

***Examples of activities which could constitute sexual harassment or sexual misconduct include, but are not limited to:***

- (1) unwelcome leering, sexual flirtations, or propositions,
- (2) unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions,
- (3) graphic comments about an individual's body or overly personal conversation,
- (4) targeted sexual jokes, stories, drawings, pictures, or gestures toward others,
- (5) spreading sexual rumors,
- (6) inappropriate or suggestive sexual gestures,
- (7) cornering or blocking of normal movements,
- (8) displaying sexually suggestive objects in an educational environment or online,
- (9) displaying sexually explicit behavior, or
- (10) stalking, dating violence, or domestic violence based on sex.

The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. Any student who believes he or she has been subjected to inappropriate sexual behavior should immediately report their concerns to their Principal. In addition, any student who believes that he or she has been subjected to sexual harassment by another student or employee, the alleged victim or their parent/guardian should immediately contact the School Board Office at (804)443-4366 to be put in touch with the Title IX Coordinator.

The following policies are on Essex County Public School website, under School Board Policy:

Prohibition Against Harassment, Report of Harassment, Notice of Non-Discrimination and Report of Discrimination

Any student who is found after an investigation to have engaged in sexual harassment of another student will be subject to disciplinary action appropriate to the offense for a short-term suspension up to a recommendation for expulsion.

## Substance Abuse

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### Drugs & Alcohol

Students shall not use, be under the influence of, or have in their possession any drug, or alcoholic beverages on school property or at any school-sponsored event.

Students shall not possess drugs, alcohol, or alcoholic beverages on school property or at a school-sponsored event with the intent to sell, give, share, pass to take orders for, or arrange for a sale to occur before, during, or after school.

In accordance with § 22.1-277.08 of the *Code of Virginia*, a student who is determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in §18.2-247 of the Code of Virginia onto school property, onto a school division vehicle, or to a school-sponsored activity shall be expelled for no less than one calendar year (365 days). The Superintendent, his/her designee, or the School Board, however, may determine, based on the facts of the particular case, that special circumstances exist and no disciplinary action or another disciplinary action is appropriate.

Students shall not use, be under the influence of, or have in their possession any drugs and/or drug paraphernalia, or alcohol on school property or at any school-sponsored event. Certain circumstances will warrant a recommendation for expulsion; however, the following consequences may apply if special circumstances are found to exist:

#### First Offense Consequence

Refer the incident to the building principal and/or his/her designee.

- (a) Absences as a result of out-of-school suspension will be unexcused, with no right to make up missed work; however, if the student successfully completes the school division's Awareness and Intervention Program and if the student and parent participate in one meeting with Program staff, the student will be allowed to complete missed assignments. Any student participating in extracurricular activities must comply with stipulations as recommended by the principal and athletic director.
- (b) The parents may enroll the student in a community drug counseling program of their choice and sign permission to share information between the school and the program.

#### Subsequent Drug and/or Alcohol Abuse Offenses Consequences (*Cumulative within 3 years*)

In addition to any of the penalties described under possession, the following will be implemented:

(1) Referral to Disciplinary Hearing Office

#### (2) POSSIBLE RECOMMENDATION TO THE SCHOOL BOARD FOR EXPULSION

*A prior drug and/or alcohol offense that resulted in expulsion will be regarded as a "First Offense" for the purposes of determining whether the consequence for a "Subsequent Drug and/or Alcohol Offense" is applicable.* Students shall not possess drugs and/or drug paraphernalia, or alcohol on school property or at a school-sponsored event with the intent to sell, give, share, pass to, take orders for, or arrange for a sale to occur before, during, or after school.

Students shall not manufacture, distribute, intend to distribute, or possess on school property or at a school-sponsored event, any of the following: drugs (*including anabolic steroids and includes cannabimimetic agents, chemicals, or look-alike/imitation drugs, or chemicals*).

## Medicine

In order that school authorities will know what medicine a student is taking in case of an emergency and in order to prevent trafficking of drugs, no student may have in his/her possession any medication or prescription drugs, even if recommended or prescribed for the student's use. Medication and prescription drugs shall not be taken to school by the student. A parent or guardian is required to take all such items to the school's clinic for documentation.

## Technology and the Internet

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Technology includes, but is not limited to, ECPS assigned device(s), electronic devices, software, the Internet, social networks, email, and web pages. All ECPS users are responsible for the appropriate use of all technology to which they have access, even if such use takes place off school property or after school hours.

Technology is constantly in flux; yet the security, safety of, and opportunity for our students and staff is paramount. Students and staff are encouraged to use school division technologies in support of teaching and learning, recognizing that there is an inherent responsibility to protect one's self, others, and property in the process. To minimize risk, ECPS employs a number of tools and monitoring technologies, such as filters, designed to comply with relevant laws as well as to create a reasonable expectation of safety. It is ultimately up to each individual student or staff member to be responsible for his or her use of these networks and to understand the specific policies herein as they pertain to ECPS assigned device(s), network, and Internet use. Refer to the guidelines on the use of Technology & the Internet on the county's website.

## Tobacco Products

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The law requires all school buildings to be smoke-free. All students are PROHIBITED from the use and possession of tobacco products, to include smokeless tobacco, matches, electronic cigarettes, nicotine vapor products, and lighters on school property. This prohibition includes all school-related locations and activities (*i.e., bus stops, school buses, extracurricular activities, school-sponsored events, etc.*).

## Trespassing

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Students, patrons, and school personnel are expected to have the appropriate authorization to be on School Board property.

- A. Any student who has been suspended or expelled from attendance may be considered a trespasser if he/she appears on any Essex County Public Schools property, or at any Essex County Public Schools activity, during the suspension/expulsion period. Violation of this section will be considered an additional infraction and will require a separate consequence.
- B. Students who arrive at school before school opens or remain after the close of their school day without specific need or appropriate authorization and supervision may be considered trespassers.
- C. Any student who is requested by an administrator to leave school property is expected to do so immediately. Failure to do so may be considered trespassing.
- D. No student or other person may attend or visit an Essex County school as a guest during the regular school day without authorization from the school's administration.

## Vandalism

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Vandalism is the willful marring, defacing, or destruction of School Board property, including leased property or any employee's or other person's property. This section includes, but is not limited to, the buildings, both exteriors and interiors thereof, books, equipment and software of ECPS assigned device(s), school buses, private automobiles, school grounds, and property as designated above. Causing, intent to cause, or attempt to cause damage to school or personal property of others is prohibited.

*Senior pranks that damage property are strictly prohibited.*

## ADMINISTRATIVE RESPONSES TO STUDENT BEHAVIOR

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All violations of rules must be followed by administrative responses and interventions designed to address student behavior, reinforce school and classroom expectations for appropriate behavior and prevent further behavioral issues. Disruptive behavior means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment. It should be understood that the following offenses do not include all possible infractions of school rules or consequences. Because all forms of misconduct may not be listed does not mean that they will be permitted.

School officials are authorized to utilize any and all of the disciplinary actions permitted by the *Code of Virginia*. Appropriate procedures will be followed for all students. The *Code of Virginia* and Federal Law permit and/or require certain disciplinary actions to be taken, including suspensions and expulsions. **The following corrective actions are among those available to the school administration for violations of the Student Code of Conduct. Each offense shall be considered fully in determining reasonable corrective actions:**

- Re-teaching/Modeling
- Counseling
- Restitution
- Reprimand
- Loss of privileges, including access to the school division's computer system
- Conferences (student and/or parent)
- Modification of student classroom assignment or schedule
- Student behavior contract (check-in/check-out)
- Referral to student assistance services
- Removal from class
- Initiation of pre-referral process
- Referral to in-school intervention, mediation, or community service programs
- Tasks or restrictions assigned by the principal or his/her designee
- Detention (after school, before school or Saturday)
  - Option available via teacher recommendation in consultation with the Assistant Principal Academy staff
- Risk Assessment
- Suspension from school-sponsored activities or events, prior to, during, or after the regular school day
- Referral to an alternative education program
- Notification of legal authority where appropriate
- In-school suspension
- Short-term out-of-school suspension (ten days or less)
- Recommend a long-term out-of-school suspension
- Recommend expulsion
- Mandatory expulsion for bringing a firearm onto school property or to a school-sponsored activity or use or possession of a controlled substance, imitation controlled substance or marijuana, as defined in Chapter 34

of Title 54.1 and § 18.2-247 of the *Code of Virginia* or synthetic cannabinoids, on school property or at a school-sponsored activity

- Evaluation for alcohol or drug abuse (at the parent's expense)
- Participation in a drug, alcohol or violence intervention, prevention or treatment program (at the parent's expense)
- Require individual counseling (at the parent's expense)
- Other consequences at the discretion of the school administrator

\*School-level administrators may consult with Division Leadership on disciplinary cases.

#### Special Considerations:

Repeated violations of offenses suggest a need for a partnership between home and school. Possible outside assistance may be beneficial.

Extreme or repeated incidents of misconduct may result in the exclusion of the student from school activities. Repeated out-of-school suspensions may be justification for a recommendation by the principal to the Superintendent or designee for long-term suspension or expulsion if it is determined that the student's continued attendance in the regular program will be disruptive to the learning environment, or dangerous to the students or others.

Seniors under disciplinary action due to violations of the Student Code of Conduct will not be permitted to participate in graduation activities.

Graduating seniors who have had no disciplinary incidents during the duration of their academic career with Essex County Public Schools shall be recognized with an Exemplary Citizenship award at the Senior Awards Ceremony.

Students participating in athletic activities also may be subject to corrective action as outlined in the school athletic policy.

Video surveillance may occur on any school property or on any transportation vehicles. The use of video recordings from surveillance equipment shall be subject to the other policies and regulations of the division, including policies concerning the confidentiality of student and personnel records.

Students are subject to disciplinary action for misconduct. Cases for which self-defense is claimed must meet the following criteria.

1. The claimant must not have provoked or behaved in a manner to cause the incident;
2. The claimant must have had reasonable fear of danger of harm; and
3. The claimant used no more force than needed for protection from the threatened harm.

Such an incident should be reported immediately to school officials. When claims of self-defense have been established, the administrator shall allow the student to present his/her version of what occurred and review circumstances and relevant information from others pertaining to the incident, including relationship and previous patterns of interaction among the students involved. Findings from the review of circumstances and other relevant information should be considered in determining appropriate corrective disciplinary action. Claims of self-defense do not constitute a valid defense against possession or use of weapons on school property or at any school-sponsored activity. Weapons are prohibited on school property and at school-sponsored events.

## DISPOSITIONS/RIGHTS OF APPEAL

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### DISPOSITIONS

- **Student Conference**

The first line of discipline is with the classroom teacher. Formal and informal conferences are held between the student and the teacher. If problems become more serious, the principal will hold a conference with the student in an attempt to improve behavior. Many times the student's counselor also will be included in the conference.

- **Parent or Guardian Contact**

The most appropriate person in dealing with student discipline problems is the parent or guardian. Teachers, counselors, and administrators will contact the parent or guardian in an effort to keep the parents or guardians informed of student conduct. An effort will be made to notify the parent or guardian by telephone prior to a suspension.

- **School Conference with Parent or Guardian**

Parents or guardians are encouraged to set up an appointment with any teacher, counselor, or administrator to discuss their student. In a time of suspension, a parent or guardian is requested to accompany their student upon return to school after the time of suspension has been completed.

- **Confiscation**

Any student's property which causes a disruption to the learning environment will be temporarily removed from that student's possession and may be kept until a parent comes to pick up the property. Personal items that are taken from students by school personnel are subject to be disposed of if not picked up in 90 days by a parent/guardian.

- **Restitution**

The replacement of, or payment for property, stolen, damaged, or destroyed by a student will be required as provided in the *Code of Virginia*.

- **Detention**

For valid and sound reasons, and on an individual basis, students may be detained after school for a reasonable length of time. Students who are detained must be supervised by a teacher or an administrator. The student's parents or guardians must be notified in advance of the detention and must provide transportation from school at the designated time unless the activity bus is available.

- **Court Referral**

In case of a drug offense, assault, or other violation of the *Code of Virginia*, a petition may be filed against the student through juvenile intake. The plaintiff may be either the school or the victim.

- **Short-term Suspension - In School/Out of School Suspension**

The principal or his/her designee has the authority, for sufficient cause, to suspend a student for not more than ten (10) school days and will report the facts in writing to the Superintendent or his/her designee and the parent or guardian of the student suspended. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

- **Long-Term Suspension**

Long-term suspension means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 46 school days. Long term suspensions could extend beyond 45 school days if the offense involves firearms, drugs, serious bodily injury, or meets the definition of aggravating circumstances. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

- **Expulsion**

Expulsion means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 days after the date of the expulsion. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

- **Aggravating Circumstances**

For the purposes of § 22.1-277 and § 22.1-277.05 of the *Code of Virginia*, “aggravating circumstances” shall mean:

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

- **Emergency Suspension**

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be summarily removed from school immediately and the notice, explanation of facts, and opportunity to present his or her version required under Suspensions of Ten or Less Days will be given as soon as practical thereafter. A reasonable effort to contact the parents immediately will be required.

- **Placement in an alternative education program**

A student who has been long-term suspended, excluded, or expelled from the regular school program may be recommended for placement in an alternative education program by the superintendent or his/her designee. The alternative education program shall include but shall not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. A reasonable effort to contact the parents immediately will be required.

- **Exclusion**

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

- **Re-entry Meetings**

A parent or guardian may be required to accompany his/her student upon return to school after the time of a suspension has been completed. Re-entry meetings will be organized by school administrators and the parent/guardian will be contacted for the date and time of meeting.

## **PLACEMENT/SUSPENSION/EXPULSION PROCEDURES**

### **Prior to Suspension:**

- The student will be apprised of the nature and facts of the alleged misconduct.
- The student will be given the opportunity to explain the circumstances of the alleged misconduct from his/her perspective.
- The student will be informed of the conditions of the suspension, such as disciplinary action, required parental input, prohibition on school property, and/or scheduled school activities, etc.
- The principal or his/her designee will make every reasonable effort to notify the parent or guardian.
- The principal will execute a letter of suspension that sets forth the facts of the case. Copies of the letter of suspension will be given to the student, if possible, and mailed to the parent or guardian.
- In general, students are not to be suspended without prior notice unless an emergency exists as determined by the principal or his/her designee.
- The right of appeal will be stated on the suspension letter. The procedures for appeals will also be set forth in the *Student Code of Conduct*.

### **Short-term Suspension Appeals (suspensions ten days or less)**

If a student and parent or guardian appeal a student's suspension that was assigned by an assistant principal, the school principal must be notified in writing within seven (7) calendar days of the date that the student is notified that he/she is being suspended. The letter of appeal must include the student's account of the incident as well as reasons for believing the suspension is unjustified. The principal will review the suspension giving the parent, guardian, and/or student an opportunity to be heard. The principal will render a decision regarding the appeal and will notify the student, parent, or guardian in writing within seven (7) calendar days of the date of the appeal.

If the principal's decision is appealed, a written letter of appeal must be received by the Superintendent's designee, the Director of Special Education, within seven (7) calendar days of the principal's decision or the decision of the principal becomes final. The Director of Special Education will review the suspension, giving the parent or guardian and the student an opportunity to be heard. The Director of Special Education will render a decision regarding the appeal and will notify the student, parent, or guardian in writing within seven (7) calendar days of the date of the appeal. The decision of the Director of Special Education will be final.

If a student and parent or guardian appeal a student's suspension that was assigned by the school principal, the Director of Special Education must be notified in writing within seven (7) calendar days of the date that the student is notified that he/she is being suspended. The letter of appeal must include the student's account of the incident as well as reasons for believing the suspension is unjustified. The Director of Special Education will review the suspension giving the parent, guardian, and/or student an opportunity to be heard. The Director of Special Education will render a decision regarding the appeal and will notify the student, parent, or guardian in writing within seven (7) calendar days of the date of the appeal. The decision of the Director of Special Education will be final.

### **Long-Term Suspension (Suspension in Excess of Ten Days)**

The principal can recommend a long-term suspension for a student. The recommendation is made on the Recommendation for Long-Term Suspension packet and sent to the Office of Special Education.

The Superintendent or his/her designee(s) may, for sufficient cause, suspend students from school for more than ten (10) school days provided:

- The student and his parent(s) or guardian(s) are provided with written notice of the proposed action and the reason(s) for the action.
- The student and the parent or guardians are informed in writing that they have a right to a hearing. Upon request and subsequent scheduling, the notification provided will include the date, time, and place of the hearing.
- In any case in which a student has been suspended by the Superintendent or his/her designee(s) after a hearing, the student and his/her parent(s) or guardian(s) may appeal the decision to the School Board Disciplinary Committee. Such appeal must be in writing and must be filed with the Office of Special Education within seven (7) calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The School Board Disciplinary Committee will consider the appeal on the record within thirty (30) calendar days of the appeal.

### **Expulsion**

Expulsion is the permanent removal of all educational services to a student. Student expulsion is only by action of the School Board.

The principal can recommend expulsion of a student, provided the recommendation is made on the Recommendation for Expulsion packet. Recommendations for expulsion for actions other than those specified in Section 22.1-222.07 (Gun Free Schools Act) and Section 22.1-277.08 (Certain Drug Offenses) shall be based on consideration of the following factors:

- The nature and seriousness of the conduct;
- The degree of danger to the school community;
- The student's disciplinary history, including the seriousness and number of previous infractions;
- The appropriateness and availability of an alternative education placement or program;
- The student's age and grade level;
- The results of any mental health, substance abuse, or special education assessments;
- The student's attendance and academic records; and,
- Such matters as he/she deems appropriate.

The Superintendent or his/her designee(s) will present the student matter to the School Board Disciplinary Committee.

The Superintendent or his/her designee will provide the student and his/her parent(s) with a copy of the *Student Code of Conduct* and will notify the student and his/her parent(s) or guardian in writing of the following:

- Written notice of the proposed action and the reason(s) for this action, as well as the date and time of the meeting.
- The right to inspect the student's school records.
- Written notice of the School Board Disciplinary Committee's decision and applicable appeal rights.

### **School Board Disciplinary Committee**

The procedure for the School Board Disciplinary Committee hearing will be as follows:

The Disciplinary Committee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing will be private unless otherwise specified by the Disciplinary Committee.

The Disciplinary Committee may ask for opening statements from the principal or his/her representative and the student or his/her parent(s) or guardian (or their representative) and, at the discretion of the Disciplinary Committee, may allow closing statements.

The parties will then present their evidence. Because the principal has the ultimate burden of proof, he/she shall present evidence first. Witnesses may be questioned by the Disciplinary Committee members and by the parties (or their representatives). The Disciplinary Committee may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any relevant material or evidence and shall afford the parties the right of cross-examination; provided, however, that the Disciplinary Committee may take testimony of student witnesses outside the presence of the student, his/her parent(s) and their representative if the Disciplinary Committee determines at its discretion, that such action is necessary to protect the student witness.

The parties shall produce such additional evidence as the Disciplinary Committee may deem necessary. The Disciplinary Committee shall be the judge of the relevance and materiality of the evidence.

Exhibits offered by the parties may be received in evidence by the Disciplinary Committee and, when so received, will be marked and made part of the record.

The Disciplinary Committee may, by majority vote, uphold, reject, or alter the recommendation.

The Disciplinary Committee shall transmit its decision, including the reasons therefore, to the student, his/her parent(s), the principal, and the superintendent. If the School Board Disciplinary Committee's decision is not unanimous, the pupil or his/her parent may appeal the committee's decision to the full School Board. The School Board shall decide such an appeal on the record within 30 days.

#### **Placement in an alternative education program**

I. The Superintendent or his/her designee(s) may, for sufficient cause, require students to attend an alternative education program provided:

- A. The student and his parent(s) or guardian (s) are provided with written notice of the proposed action and the reason(s) for the action.
- B. The student and the parent or guardians are informed in writing that they have a right to a hearing. This notification will include the date, time, and place of the hearing.
- C. In any case in which a student has been placed in an alternative education program by the Superintendent or his/her designee(s) after a hearing, the student and his/her parent(s) or guardian(s) may appeal the decision to the School Board Disciplinary Committee. Such appeal must be in writing and must be filed with the Superintendent within seven (7) calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The Disciplinary Committee will consider the appeal within thirty (30) calendar days of the appeal.

II. The Superintendent or his/her designee(s) may require any student to attend an alternative education program if the student has been:

- A. charged with an offense relating to the laws of Virginia, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person. The term "charged" means that a petition or warrant has been filed or is pending against a pupil.
- B. found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol or drugs, or a crime that resulted in or could have resulted in injury to others or of an offense that is required to be disclosed to the superintendent of the school division pursuant to Va. Code 16.1-260.G;
- C. found to have committed a serious offense or repeated offenses in violation of school board policies;
- D. suspended pursuant to Va. Code § 22.1-277.05; or
- E. expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code § 22.1-277, to attend such an alternative education program.

### **Trespassing**

An excluded, suspended or expelled student will not be allowed to come onto School Board property (including school buses) during the period of exclusion, suspension or expulsion or attend any school-sponsored activity. Students who violate this may be charged with trespassing.

### **Student Searches**

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

Student desks and lockers are the property of the school, and may be used for the storage of permitted student belongings only. School officials retain locker combinations and reserve the right to search desks and lockers as well as to open lockers at any time for repairs. A general search of lockers or desks may be conducted to repossess school property or to locate illegal materials. School officials in accordance with a pre-determined search formula may conduct a random, systemic, non-selective search of student classrooms, desks, lockers or automobiles. Students are responsible for the content of their assigned locker at all times. The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials should be notified.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property, but may be conducted wherever the student is involved in a school-sponsored function. All searches will be conducted with a witness present.

# PARENT AND STUDENT ACKNOWLEDGEMENT FORM

**Please return this form to your child's teacher within one week of receiving it.**

This form is to acknowledge that you and your school-age child have read and understand the Essex County Public Schools Code of Student Conduct, Code of Student Attendance Handbook, and Press Release Permission.

We require that you review this entire code of conduct handbook with your child. You and your child must sign this form below and return it to school.

Print Child's Name: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

School Name: \_\_\_\_\_

Grade: \_\_\_\_\_

Teacher Name: \_\_\_\_\_

## PRESS RELEASE PERMISSION INFORMATION

Check the box below **ONLY** if you **DO NOT GIVE PERMISSION**.

I do not approve that my child's picture is published for school-related promotions.

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_