



Montgomery County Public Schools

Book	Section 7: Students
Section	Article 3: Code of Student Conduct
Title	Code of Student Conduct
Code	7-3.1
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Safe Schools

It is the belief of the Montgomery County School Board and staff that schools should be safe havens for students within the community. Montgomery County is fully committed to having a learning environment in all of our schools in which children and personnel are safe. To that end, the School Board supports preventative and positive approaches to discipline and systems of support that create safe, supportive, and positive schools where adults respond to student conduct with interventions and consequences aimed at understanding and addressing the causes of student behavior, resolving conflicts, meeting students' needs, and keeping students in school and learning.

Monitoring for Disparities of Outcomes and Opportunities:

MCPS administration will use the following indicators of disparities and measurements of those indicators to monitor equitable implementation of the Montgomery County Public Schools Progressive Discipline Matrix in order to reduce any potential bias or harassment in the enforcement of the Code of Student Conduct.

- Non-exclusionary discipline practices: Use the Student Behavior and Administrative Response (SBAR) Data Collection to measure the group differences in out-of-school suspensions and expulsions. Data should be analyzed using a risk ratio, which is described in "*Addressing the root causes of disparities in school discipline: An educator's action planning guide.*"
- Nonacademic supports for student success:
 1. Use the Student Behavior and Administrative Response (SBAR) Data Collection to measure group differences in access to supports for emotional, behavioral, mental, and physical health. Data should be analyzed using a risk ratio to determine issues of equity.
 2. Analyze records that include the demographics of students involved in programs to address emotional, behavioral, mental, and physical health.
- Engagement in schooling: Use the data management tool in place to measure group differences in school attendance and absenteeism.

Philosophy

The Montgomery County School Board intends for its schools to promote good citizenship and to provide an atmosphere which is safe and conducive to learning. Both good citizenship and a safe environment require that students demonstrate personal responsibility, self-discipline, self-control and respect for themselves, for others, and for property. To reach this goal, teachers and principals will work cooperatively with children and their families.

School Climate

Montgomery County Public Schools is committed to equity and to creating and maintaining a positive school climate free of disruption and threat to persons or property and supportive of individual rights, as required in the Standards of Quality of the Code of Virginia, which makes reference to incorporating discipline options and alternative to preserve a safe, non-disruptive

environment for effective teaching and learning.

Responsibilities

Montgomery County Public Schools guidelines for responsibility promote personal responsibility and self-discipline on the part of all who participate in the school community: students and their families, administrators, teachers, and all others who work in or for schools to create a safe, supportive, and effective school environment. These guidelines will be in effect when going to and from school, waiting at school bus stops, riding school buses, attending school, and participating in school-sponsored activities, including field trips or any other school related or sponsored virtual activities and/or websites and/or social media pages. These guidelines also extend to social media/technology usage by students even when off campus, especially if engaged with a school sponsored social media account/page.

By working with families to promote good citizenship, self-discipline, and personal responsibilities in children, Montgomery County Public Schools will establish a supportive environment for learning.

Montgomery County School Board Responsibilities:

1. to establish student conduct policies and procedures and a student code of conduct that is fair, equitable, and consistent in content and application, and which contains all the requirements specified in Virginia Code § 22.1-279.6 for such codes of conduct;
2. to review the policies within, the adherence to, and enforcement of the Code of Student Conduct biennially in order to incorporate discipline options and alternatives to preserve a safe, non-disruptive environment for effective teaching and learning; and
3. to hold hearings to consider long-term suspensions, expulsions, and exclusion decisions, and to consider any appeals of the denial of an initial petition for readmission for a student after an expulsion, in accordance with Virginia Code § 22.1-277.06(B).

Student Responsibilities:

1. to understand and respect that everyone has a right and a responsibility to learn in a safe environment;
2. to treat everyone with respect, both physically and verbally;
3. to follow the instructions of teachers and other adult staff;
4. to come to school, unless ill, on time and prepared to work;
5. to adhere to bus rules and directions given by bus drivers;
6. to complete schoolwork on time;
7. to take care of personal property, property of others, and school property;
8. to help keep parents informed by taking information home;
9. to bring school supplies to class but leave non-academic items at home; and
10. to adhere to the law.

Items such as alcohol, drugs, tobacco, electronic cigarettes, inhalant products, and weapons are not allowed on school property. Violations of the laws concerning alcohol, drugs, inhalant products, weapons, including guns, bombs, and bomb threats, and violent actions against others including stabbing, shooting, sexual assault, cutting, wounding, or abducting another person, as well as threats made against school personnel by a non-disabled student, will be reported to law enforcement officials. Other violations of the law may be reported to law enforcement officials at the discretion of school officials.

Parent or Guardian Responsibilities:

Parent responsibilities include;

1. to partner with school authorities, participate in school level meetings, and be supportive of the educational process;
2. to be familiar with the Code of Student Conduct and discuss it with their child;
3. to notify the school of any unusual behavior pattern or medical problem which negatively impacts school attendance, behavior, and/or performance;
4. to maintain regular communication with the school and provide a current daytime phone number;
5. to partner and participate with the school to address student behavior;
6. to monitor and require daily attendance;
7. to advocate for their children and be a part of the educational process;
8. to verify they have discussed the Code of Student Conduct with their child; and
9. to reinforce academic lessons, instructions, and homework at home to ensure students are prepared for testing.

Teacher Responsibilities:

Teacher responsibilities include:

1. to teach and model for students expectations for classroom behavior;
2. to adopt and maintain discipline that is both fair and consistent in the classroom;
3. to avoid ridiculing or making negative comparisons of students;
4. to use student support systems (PBIS, SAP, and restorative practices) to find possible solutions to discipline problems;
5. to report to the parents or guardians, when appropriate, about the acceptability of a student's conduct;
6. to protect the rights of all students by providing an environment that is conducive for learning and using Tier I effective instructional practices;
7. to enforce the rules and regulations of the school and student compliance with their responsibilities set forth above;
8. to maintain regular and open communication with parents;
9. to have focused and engaged lessons, and provide differentiated instruction;
10. to build a conducive learning environment where relationships are a focus every day;
11. to develop positive relationships, teach (and reteach when necessary) behavioral expectations, and reinforce positive behavior;
12. to actively listen and seek to understand people with different experiences; and
13. to use practices that promote student self-awareness, self-management, relationship skills, and responsible decision-making.

Administrator Responsibilities:

Administrator responsibilities include:

1. to ensure that all students, parents and guardians, and school personnel are familiar with the Code of Student Conduct;
2. to assume responsibility for student discipline and respond to student behavior consistent with the Progressive Discipline Matrix while in the building, on school property, in an school related activity, and/or on school transportation;
3. to involve parents and students in the development of rules and regulations not covered by this policy through student assemblies and parental involvement activities;
4. to establish and implement rules and regulations for student conduct in their school that are consistent with the student responsibilities listed above;
5. to support teachers in their commitment to equity, discipline, and a positive learning environment;
6. to use the Administrative Decision-Making Process to enforce the Code of Student Conduct in a consistent, equitable, and fair manner;
7. to ensure the delivery of responsive guidance and counseling services;
8. to notify and involve parents or guardians, when appropriate, about the acceptability of a student's conduct and to notify parents of disciplinary actions;
9. to work collaboratively with school personnel, parents, school board, law enforcement officers, and service agencies to provide necessary resources that will meet the needs of all students; and
10. to ensure that the administrative team and all teachers, counselors, and school staff know and follow the principles of positive behavior intervention supports (PBIS), family engagement, trauma informed instruction, social and emotional learning, and restorative practices; and
11. to ask, "What harm was caused?" Label the behavior using the behavior descriptors; assign the appropriate level of administrative response based on the division's leveled responses, which may include both a disciplinary sanction and/or a behavioral intervention.

Coach and Sponsor Responsibilities:

Coach and sponsor responsibilities include:

1. to set additional standards concerning dress, behavior and training related to the extracurricular activity and to notify involved students, in writing, of any additional requirements;
2. to notify parents and students, in writing, that the Code of Student Conduct is in force during all school-sponsored activities, including field trips; and
3. to enforce the rules and regulations of the school and the Code of Student Conduct.

School Counselor Responsibilities:

School counselor responsibilities include:

1. to provide individual counseling for students;
2. to conduct small group sessions for students with similar concerns;
3. to serve as a resource person for classroom session to present factual knowledge concerning students' physical and social-emotional growth;
4. to create safe spaces for students to have an open dialogue about issues and concerns they are dealing with in the school and at home; and
5. to develop programs designed to enhance skills in problem solving, self-advocacy, relationship building, and communication; and
6. to consult with teachers and administrators regarding student behavior

School Nurse Responsibilities

School nurse responsibilities include:

1. to establish and maintain standards of emergency care to minimize the effects of accidents and illness in school;
2. to advocate for the health needs of students while they are in the school building;
3. to assist students, families, and school personnel in achieving optimal levels of wellness through health education; and
4. to provide health related in-services for students, families, and school personnel as necessary.

School Psychologist Responsibilities

School psychologist responsibilities include:

1. to confer with parents and school personnel to interpret test findings in relation to evaluation for special education services;
2. to consult with teachers and parents to explain the needs of all students;
3. to recommend to teachers and guidance counselors special activities geared to help all students;
4. to participate with other school personnel in school based team meetings; and
5. to recommend and develop alternative learning strategies for teachers when assisting students who receive special education services.

Non-Certified School Staff Responsibilities

All members of the school community should be engaged in and responsible for establishing a positive school climate. Every school employee is responsible for ensuring a safe, supportive, effective learning environment.

Statement of Procedures

1. Communication of policy to students, staff, and parents: All students, parents, and staff members will receive copies of the Code of Student Conduct. Students and parents will be required to sign a statement indicating that they are aware of policy guidelines, procedures, and sanctions for misconduct. This signed statement will be kept on file in the school office. Students will receive information about the policy from teachers and/or school administrators in student assemblies. Staff will be provided with an annual in-service regarding the Code of Student Conduct.

Within one calendar month of the opening of school, the Montgomery County School Board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student: (i) a notice of the requirements of Virginia Code § 22.1-279.3 regarding "Parental Responsibility and Involvement Requirements," (ii) a copy of the School Board's standards of student conduct; and (iii) a copy of the Virginia compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia and that a parent shall have the right to express disagreement with a school's or the school division's policies or decisions.

Each parent of a student shall provide an electronic signature or sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the School Board's standards of student conduct, the notice of the requirements of Virginia Code § 22.1-279.3, and the Virginia compulsory school attendance law. Each Montgomery County Public school shall maintain records of such signed documents.

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

In accordance with all due process requirements in applicable Virginia law, the school principal or his designee shall notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation is likely to result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state: (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations district court may be filed under certain circumstances to declare the student a child in need of supervision.

No suspended student shall be admitted to the regular school program until such student and his/her parent have met with school officials to discuss a plan for reentry, unless the school principal or his/her designee determines that readmission, without parent conference, is appropriate for the student. Suspended students will be able to access and complete graded work during and after the suspension.

Upon failure of a parent to comply with the provisions of Virginia Code § 22.1-279.3, the School Board may, by petition to the juvenile and domestic relations district court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance.

2. Prevention of misconduct: The prevention of student misconduct will be an essential element of this policy. Decision-making skills, restorative practices and PBIS, and anger management should be modeled for students by staff members and opportunities provided for students to learn ways to solve problems in a non-violent, positive, and productive manner. Frequent contact between the school and home will be encouraged to promote home/school communication and help prevent student misconduct.

3. Effective handling, monitoring and documentation of student misconduct: Student misconduct will be handled as effectively and efficiently as circumstances allow and within agreed upon timelines, and in accordance with the Montgomery County Public Schools Progressive Administrative Discipline Matrix and Teacher Classroom-Managed Behavior Matrix. Teachers and staff will monitor student behavior throughout the school building, on school grounds, and during all school activities. Additional information on the Progressive Discipline and Teacher Classroom-Managed Behavior Matrices can be found on the School Division website under departments for Student Behavior Supports and Interventions.

4. Consistent enforcement: Students who violate the policy will be addressed consistently, equitably, and fairly following the Montgomery County Public Schools Progressive Discipline Matrix. Additional information on the Progressive Discipline and Teacher Classroom-Managed Behavior Matrices can be found on the School Division website under departments for Student Behavior Supports and Interventions.

5. Preparation for crises: Crisis prevention, preparedness, and management will be handled with the assistance of school crisis teams and the specific legislation regarding how crises should be addressed.

6. Consideration for the needs of at-risk students: Support services, counseling services, and varied education opportunities, if appropriate, will be available for students who are at-risk for using and/or possessing alcohol and other drugs, for committing violent behavior, or for dropping out.

7. Annual policy evaluation: An annual evaluation of the Code of Student Conduct and analysis of school discipline data will be conducted to ensure that the Code of Student Conduct addresses the current needs of the school community. A large part of the evaluation will be used to assess the discipline data, pertaining to suspensions, any disproportionality of suspensions, and the racial and ethnic makeup of the data. This annual evaluation of the Code of Conduct will be conducted by the administration with a determination being made of whether the Code of Conduct requires revision by the School Board.

Student Code of Conduct

This policy applies to any student, PK-12, who is in or on school property, in a private vehicle on school property, in attendance at school or at a school-sponsored activity including field trips. This policy also covers students going to and from school and waiting at bus stops.

It is the expectation of the School Board that all students have the right to an environment that is safe, drug free, and conducive to learning and that all disciplinary actions are administered in a respectful, equitable, and fair manner. To that end, a matrix of disciplinary responses and instructional intervention, which defines and categorizes each behavior and sets level response parameters, will be followed in response to student behaviors. .

1. Absenteeism: Tardiness, cutting/skipping class, truancy, or leaving school without the permission of the principal or his/her designee.

2. Acting as an Accessory: Acting as an accessory or accomplice to another person who violates any provision of the Student Code of Conduct.

3. Bullying/Biased-Based Behaviors: 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. Students, either individually or as part of a group, shall not harass or bully others. Behaviors associated with bullying include, but are not limited to, intimidation, taunting, name-calling, and insults. Bullying behaviors may take a variety of forms, including by electronic means such as cell phone, social media, text message and email. Bullying, threatening, intimidation, harassment, or any other activity characterized by targeted, intentionally hurtful behavior (verbal or nonverbal) that results in any physical, social/relational or emotional/psychological harm to another person is not tolerated in any form in any Montgomery County Public School. The principal or his designee shall notify the parent of any student involved in an alleged incident of bullying, as defined herein within 24 hours of learning of the allegation of bullying.

4. Bus Misbehavior: Any behavior that interferes with the orderly and safe transportation of pupils on a school bus and/or school vehicle. A student is expected to cooperate with the bus driver or any other adult with School Board authority and follow the posted rules on the bus. Bus drivers are authorized to assign seats. Failure to comply with bus

rules and directions of drivers or other authorized adults may result in additional conversations about the expectations of the school division and additional re-teaching about desired behaviors and/or other forms of punishment allowable under the disciplinary policies of the School Board.

5. Cell Phones& Other Portable Communication Devices: Students are not freely permitted to use or display such devices during instructional time. Such devices will be considered to be "in use" if they are on (regardless of if they are on silent or set to ring), sending or receiving a call or text message or being used to take, display, or send photos/videos, etc. However, students may have such items in their possession for use after school hours, during bus rides to and from school, and during athletic events. Students may utilize such devices during instructional time only for academic purposes and under the direction and supervision of the classroom teacher.

6. Cheating: Giving or receiving unauthorized assistance with schoolwork.

7. Aggravating Circumstances in Class/School: Any misconduct which caused (i) 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) 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) a student engaged in a serious offense that is persistent (repeated similar behaviors are documented on the student's disciplinary record), and unresponsive to targeted interventions as documented through an established intervention process.

8. Dressing Inappropriately: Wearing of clothes, jewelry, other apparel and/or decals that advocate violence, alcohol and other drug use and/or distribution; that represent gang activity and/or membership; that advertise obscenities; or that reflect adversely on a person's race/ethnicity, color, gender, creed, national origin, physical, emotional, or intellectual abilities; or that would cause disruption to the learning environment at any school. Students shall not at school, on school property, or at school activities wear or have in their possession any written material that is racially divisive. Examples include clothing, articles, material or publications or any item that denotes Ku Klux Klan, Aryan Nation-White Supremacy, Neo-Nazi, or any hate group, or Confederate flags or articles. This list is not intended to be all inclusive. Students shall be subjected to the same set of rules and standards regardless of gender.

9. False Alarms: Setting off false fire alarms and making false bomb threats.

10. Gang-Related Activity: Activity of a "criminal street gang" as defined in § 18.2-46.1. of the Code as meaning "any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction."

11. Hazing: Students shall not recklessly or intentionally endanger the health or safety of a student or students or inflict bodily harm 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. The principal of any Montgomery County Public School at which hazing causing bodily injury occurs shall report the incident to the superintendent and/or their designee. Hazing, as defined herein, is a Class I misdemeanor, which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500.00, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants according to the law. See Virginia Code § 18.2-56. If the hazing results in : " The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2- 47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity," then the information must be reported to local law enforcement. If the hazing involves alcohol and drugs at the felony level, then the hazing must also be reported to local law enforcement. But, if the hazing involves misdemeanor level alcohol/drug use, possession, or distribution or simple assault and battery, then the school division may report the incident to local law enforcement, but it is not required to. See 22.1-279.3:1(B).

12. Noncompliance or Other Disruptive Behavior: Failure to respond to the fair and reasonable directions of a teacher or other school employee and/or interference with or intimidation of school authorities.

13. Assault and Battery: Any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, spitting, elbowing, aggressively touching, shoving, pushing, hitting, and fighting. Self-defense or action undertaken on the reasonable belief that it was necessary to protect oneself or some other person will be taken into consideration.

14. Sexual Violence or Inappropriate Sexual Conduct: Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, pictures, and other remarks of a sexual nature. Inappropriate behaviors include, but are not limited to, indecent exposure, sexual assault, fondling, unwanted or inappropriate physical contact, exposing body parts, less or indecent public behavior, physical contact of a sexual nature, e.g., patting body parts, pinching, tugging clothing, and obscene phone calls.

15. **Sexual Harassment:** Any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.

16. **Substance Abuse-Use and/or Possession of Alcohol, Tobacco, and Other Drugs:** The possession, use, and/or distribution of alcohol, tobacco and/or tobacco products, electronic cigarettes, inhalant products and other drugs on school grounds, on school buses, or during school activities, on or off school property. (See the complete Alcohol, Tobacco and Other Drug Policy below). See 22.1-279.6(H).

17. **Theft:** Taking school property or the property of another without right or permission. The possession of stolen property is considered theft.

18. **Threats:** Communicating a threat verbally or in writing, including by electronic means.

19. **Trespassing:** Being present on school property or using school facilities without proper authority and/or permission (includes students who have been suspended or expelled.)

20. **Vandalism:** Willful or malicious defacing of school property, including graffiti, and defacing of private property.

21. **Improper or Unsafe Operation of a Vehicle:** Driving on school property without a valid driver's license or reckless driving on school property. Student parking on school property is a privilege that comes under the approval of the school administration.

22. **Verbal Abuse:** Any use of profanity, obscene gesture, bullying, intimidating gestures, or language that interferes with teaching and learning or that intentionally offends or threatens another. Abusive language includes, but is not limited to, language that demeans another's race, color, religion, gender, national origin, disability, intellectual ability, sexual orientation, or other personal characteristics.

23. **Weapons-Possession and/or Use:** Possession and use of weapons is a violation of the law as well as the Student Code of Conduct. (See the Weapons Policy below).

24. **Written Materials:** Students shall not at school, on school property, or at school activities have in their possession any written material that is racially divisive, including but not limited to the following: Ku Klux Klan, Aryan Nation-White Supremacy, Neo-Nazi, Proud Boys, or any hate group, or flags representing them, including the Confederate flag.

Possible Leveled Responses

Except as provided under the following drug and alcohol policy and certain firearms/weapons violations, the principal or his/her designee will have the responsibility to determine that a matrix of disciplinary responses, instructional interventions, and disciplinary sanctions is followed in response to student behaviors. Examples of behavior responses listed below and are not in any particular order:

1. counseling;
2. involvement of other human service agencies, as appropriate;
3. reprimand;
4. loss of school privileges;
5. loss of bus or student parking privileges;
6. parental conferences;
7. community service;
8. tasks or restrictions assigned by the principal or their designee;
9. detention before school, at lunch, or after school;
10. suspension from school-sponsored activities or events prior to, during, or after the regular school day;
11. in-school supervision/suspension with behavioral instruction, interventions, and/or restorative practices with academic support;
12. short-term out-of-school suspension with a plan before returning to school;
13. reassignment to another school within the division in accordance with Board policy;
14. refer to law enforcement as required;
15. recommendation of long-term suspension (11-45 days);
16. recommendation of expulsion (indefinite period of time, in some instances a minimum of 365 days);
17. Saturday School.

Search and Seizure

To maintain order and protect students and school personnel, school authorities (minimum of two persons) may, with reasonable suspicion, search a student or student automobile on school premises. Student lockers are school property and remain at all times under the control of the school. School authorities may seize any illegal, unauthorized, or contraband

materials discovered in the search.

Notification of Law Enforcement

Local law enforcement may be contacted in the event of, but not limited to, the following violations:

Weapons violations	Possession, use, and/or distribution of illegal substances
Assault and Battery	Property crimes
Sex offenses	Robbery
Bomb threats	Threats against school personnel

Pursuant to Virginia Code Section 22.1-279.3:1, principals shall immediately report to the local law-enforcement agency: (i) any incident described in subdivision A1 that may constitute a felony offense; and (ii) any incident described in subdivisions A3 through A7, except that a principal is not required to, but may report, any incident described in subdivision A4 committed by a student who has a disability. The principal shall also immediately report any act enumerated in subdivisions A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Furthermore, the principal shall report whether the incident has been reported to local law enforcement as required by law and if the incident has been so reported, that the parents may contact local law enforcement for further information, if they so desire.

Additionally, the Code of Virginia requires that courts notify school divisions of the disposition of particular offenses involving students. The division may pursue disciplinary action consistent with applicable law as a result of this notice.

Prosecution of Juveniles as Adults

Under certain circumstances, the Code of Virginia allows the transfer of juveniles for trial as adults. The Commonwealth's Attorney makes such requests. More information is available at www.mcps.org.

Appeal Process

Before appealing a disciplinary action, parents and students are encouraged to discuss the matter with the principal. Appeals must be filed in accordance with School Board policies. Different processes may apply to different types of discipline. Corrective action will not be delayed while an appeal is pending.

The disciplinary appeals process is addressed in MCPS Policy 7-3.2.

Weapons Policy

Students shall not possess, handle, transport or use weapons. The School Board shall expel students for violations of this policy unless the School Board determines, based upon the facts of the particular situation that special circumstances exist and another disciplinary action is appropriate. Any weapon possessed in violation of this policy will be confiscated and may be forfeited to the Commonwealth.

The following items, in accordance with Virginia Law, are considered weapons:

1. any pistol, revolver, shotgun, or other weapon designed or intended to propel a missile of any kind;
2. any weapon of like kind as those enumerated in item 1;
3. any weapon, including a starter gun, which will or is designed or may readily be converted to expel a projectile by the action of an explosive;
4. the frame or receiver of any weapon referenced in item 3;
5. any firearm muffler or firearm silencer;
6. any destructive device. "Destructive device" is defined as (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device, and (2) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device which is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device.
7. any switchblade or ballistic knife or razor, metal knuckles, or blackjacks.

Administrators will use the progressive discipline matrix and will consult with the superintendent and/or their designee regarding any circumstance involving a knife to determine sanctions, including but not limited to expulsion.

In addition, using a knife to threaten or to cause bodily harm will result in an automatic recommendation for expulsion.

The division superintendent or their designee is authorized to conduct a preliminary review of any violations of this policy to determine whether long-term suspension or other discipline, rather than expulsion, is appropriate to recommend to the School Board. Nothing in this section shall be construed to require a student's expulsion regardless of

the facts of the particular situation.

Alcohol, Tobacco and Other Drugs

Tobacco

Students shall not possess, use, and/or distribute tobacco and/or tobacco products on school property, on school buses, or during activities on or off school property. This includes but may not be limited to any product intentionally inhaled in order to elicit an intoxicating effect such as smokeless tobacco, electronic cigarettes, inhalant products such as vapor cigarettes, liquid tobacco, or hookah pipes

Alcohol and Drugs

Students shall not possess a controlled substance, imitation controlled substance, marijuana, or synthetic cannabinoids, any substance used as an intoxicant (including alcohol), drug paraphernalia, or any substance which is represented by or to the student, or which the student believes to be a controlled substance, marijuana, illegal drug, substance used as an intoxicant. In addition, students shall not attend school while under the influence of any of these listed substances. Possession or being under the influence of any of these substances may result in a recommendation for long-term suspension or expulsion. However, the division superintendent is authorized to determine that special circumstances exist and to implement an intervention plan that includes the following for the first offense of possession or being under the influence of any of these substances:

- Up to a ten (10) day suspension;
- Meetings with the parent/guardian;
- Signing of a Substance Abuse Violation Behavior Contract*;
- Counseling sessions;
- Drug prevention counseling.

The division superintendent or his/her designee is authorized to conduct a preliminary review of any violations of this policy to determine whether long-term suspension or other discipline, rather than expulsion, is appropriate to recommend to the School Board. Further, the division superintendent or their designee is not required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner in accordance with subsection B of 54.1-3408.3 for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with Policy 7-5.2.

Distribution, attempted distribution, or the purchase of any of the substances listed above requires the school administration to make a recommendation for long-term suspension or expulsion to the division superintendent. When it is determined to be necessary and appropriate, the division superintendent is authorized to conduct a Disciplinary Hearing to hear and review all evidence presented relevant to the distribution, attempted distribution, or the purchase of any of the substances listed above. Serving as the Hearing Officer, the superintendent will take all evidence under advisement before rendering a decision for the disciplinary action to be implemented. The proposed disciplinary action may include long-term suspension or a recommendation to the School Board for expulsion. The student and his/her parents/guardians will receive written notification of the Hearing Officer's proposed action, the reasons for the action, and the right to a hearing before the School Board. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The principal will refer all students who violate this policy to a substance abuse intervention program prior to readmission.

Any student in possession of prescription drugs that are not prescribed to that student or the intentional misuse of prescription drugs to elicit an intoxicating effect will be subject to disciplinary action in accordance with the guidelines for the possession or being under the influence of alcohol and other drugs above. Sharing, borrowing, distributing, manufacturing or selling any medication (both prescription and non-prescription "over-the-counter" medications) is prohibited and may result in a recommendation of expulsion.

In addition to the consequences listed in this Code of Student Conduct, a student who is a member of a school athletic team will be ineligible for two school years to compete in an interscholastic athletic competition if the school principal and the division superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

*The Substance Abuse Violation Behavior Contract, available on the MCPS Web Administrative Guide, will be provided by the principal.

Alternative Education Programs

The School Board may, in accordance with the procedures set forth in applicable law, require a student to attend an alternative or regional alternative education program as provided in Virginia Code Sections 22.1-209.1:2 or 22.1-277.2:1. The principal or his designee may impose a short-term suspension upon a student who has been charged with an offense involving intentional injury, as described in subsection G of §16.1-260, to another student in the same school pending a decision as to whether to require the student to attend an alternative education program.

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