Code of Student Conduct

Amherst County High School

2019-2020

Amherst County Public Schools
Vision and Mission Statements

Vision Statement

Amherst County Public Schools will cultivate excellence in every child, every day.

Mission Statement

Amherst County Public Schools will create a culture that inspires excellence in academics, career readiness and citizenship in every child.

"EVERY CHILD, EVERY DAY!"

Amherst County Public Schools does not discriminate on the basis of race, color, national origin, sex or disability in its programs, activities or employment practices, as required by Title VI, Title VII, Title IX, and Section 504. Mr. Jim Gallagher, Director of Human Resources is designated as the Compliance Officer responsible for assurances of non-discrimination. He may be reached at the following address: P.O. Box 1257, Amherst, VA 24521, and telephone number (434) 946-9376, and e-mail jgallagher@amherst.k12.va.us.

Dr. William Wells, Assistant Superintendent is responsible for the fair and equitable implementation of the Division's discipline policies. He can be reached at the following address: P.O. Box 1257, Amherst, VA 24521, telephone number 434-946-9386, #6, and e-mail wwells@amherst.k12.va.us.

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Introduction

It is the belief of the Amherst County Public School Board that all students have the right to an environment that is safe, drug-free, and conducive to learning. To that end, our school system not only has the duty of providing an education for all students, but also has the responsibility of establishing standards of student conduct that help create an atmosphere supportive of learning. Students and their parents/guardians can expect school personnel to reinforce positive behaviors.

The primary objectives of the standards of student conduct are (1) to provide standards and guidelines for student behavior; (2) to assist the student in becoming a responsible, productive, and self-disciplined citizen; and (3) to maintain a safe and orderly environment in the classroom and all other areas of school activities.

As parents/guardians of students in Amherst County, you are asked to review this booklet containing the *Code of Student Conduct* with your children and give your support to Amherst County Public Schools in our efforts to promote high quality instruction and an atmosphere conducive to learning. The behavioral expectations outlined in this booklet are the official standard for our school division.

School Board members, school personnel, parents, and students share the responsibility to create and maintain a school environment that is safe and conducive to learning. It is the responsibility of the School Board to adopt policies and regulations. The superintendent has a responsibility to issue standards of student conduct including a list of corrective disciplinary actions for violation of the standards. The school principal has a responsibility to enforce the student conduct standards using reasonable judgment. Each parent has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance. Students are expected to attend school regularly and to demonstrate good citizenship, enjoying the rights and fulfilling responsibilities set forth in the student conduct standards.

Student Responsibilities and Expected Behaviors

All students, parents, and school staff deserve a safe, caring, and supportive learning environment. Appropriate behaviors are encouraged by teaching, guiding, modeling, and directing. In the school environment, opportunities are created for students to practice and succeed in making responsible decisions and good judgments that will enable them to reach their full academic and social potential. Students will show respect for themselves, others, learning, and property by demonstrating the expected student behaviors listed below.

Respect for Self

I will show respect for **myself** by:

- Attending school daily while avoiding late arrivals and early dismissals.
- Remaining on school grounds unless permission is granted to leave.
- Dressing in a way that is appropriate for the learning environment.
- Choosing not to bring tobacco, e-cigarettes, alcohol, drugs, weapons, explosives, or dangerous objects to school.
- Exhibiting appropriate conduct in compliance with the local school student/parent handbook; *Code of Student Conduct*; school, district, and Virginia High School League athletic/activities regulations; Amherst County School Board regulations and policies; and applicable state and federal laws.
- Doing schoolwork and homework neatly and completely.
- Practicing positive behavior choices and learning from the consequences of behaviors.

Respect for Others

I will show respect for **others** by:

- Being honest (e.g., telling the truth and admitting to things I have done).
- Being considerate of other people's feelings.
- Contributing to a climate of acceptance and mutual respect within the school community so the hopes and ambitions of all individuals may be realized.
- Keeping hands to self.
- Listening when others are speaking.
- Refraining from the use of profanity.
- Treating others like I want to be treated (e.g., refusing to bully, threaten, or intimidate).
- Using a respectful, positive, and considerate tone of voice and body language when speaking to others.
- Using positive words with others (no putdowns).
- Working together with adults to manage negative behaviors and emotions.
- Working with other students in positive ways.

Respect for Learning

I will show respect for **learning** by:

- Taking responsibility for my own learning.
- Coming to school and class prepared to work and on time.
- Following classroom rules and directions from the teachers and other school staff.
- Participating in class activities and discussions.
- Keeping focused on work and avoiding classroom disruptions.
- Developing adequate study habits and completing class assignments and/or requirements.
- Completing own schoolwork and homework.
- Keeping eyes on own materials when taking quizzes and tests.

Respect for Property

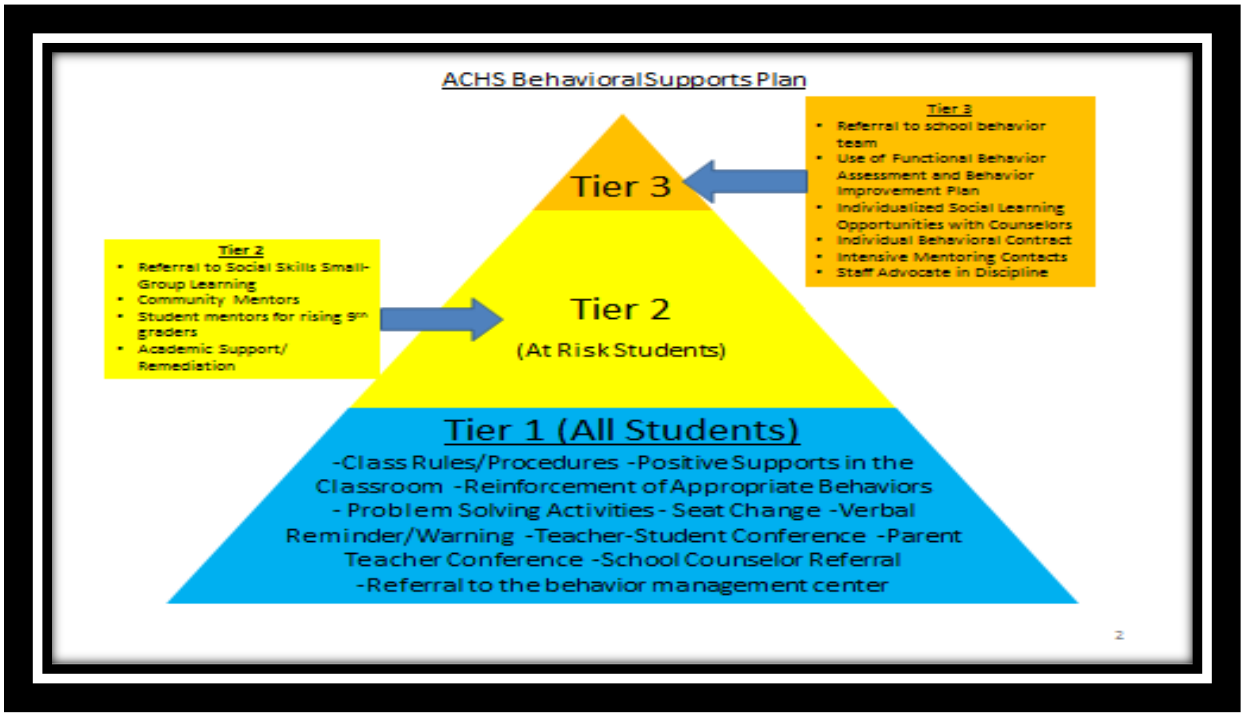
I will show respect for **property** by:

- Following rules about safety:
    - Keeping cell phones off and out of sight
    - Not making threats about harming others or property.
    - Using school equipment in a safe manner.
- Not bringing dangerous or distracting items to school (e.g., matches, lighters, weapons, toys, fireworks, alcohol, tobacco, e-cigarettes, drugs, etc.).
- Using school property wisely and taking care of all school supplies, resources, and equipment in school and on school grounds.
- Using technology as directed by school staff.
- Reimbursing Amherst County School Board for any lost or actual breakage/destruction of property owned by or under the control of the School Board.

Levels of Interventions to Support Positive Behaviors

Positive Behavior Intervention Supports (PBIS) is an initiative in Amherst County Public Schools that includes proactive strategies for defining, supporting, and teaching appropriate behaviors to create positive learning environments. Attention is focused on developing a structured system of support to enhance student learning. Students often need targeted intervention to build skills to improve their behavior. School staff recognize that improving and maintaining student behaviors involves a continuum of supports and interventions. (Center for Positive Behavior Intervention Supports).

When planning for behavioral intervention with students, school planning teams may explore the general classroom and school management programs to ensure that consistent behavioral expectations are present across the school setting and each classroom utilizes a variety of positive strategies to promote adherence to school rules and principles of good school conduct. If students are having continued difficulty displaying expected behaviors in the school setting, school planning teams may want to explore more individualized or student-specific interventions, much like they would with academic remediation. These supports are often referenced as 'tiers' of intervention, with Tier I providing general strategies across the school and classroom environments and Tier II/Tier III moving toward more small-group or individual supports to target behaviors of concern.



Levels of Progressive Consequences Information

Behavior that detracts from one student's ability to benefit from instruction or that infringes on the rights of others warrants the assigning of a disciplinary consequence to the student exhibiting the inappropriate behavior. The intent of the disciplinary consequence is to bring about a positive change in the student's behavior. Just as academic instruction is individualized, disciplinary consequences are to function with guidelines that are broad enough to allow for student differences, extenuating circumstances, and educational resources. Upon receiving a disciplinary referral, the student will be made aware of the accusations against him/her, will have the opportunity to present his/her side of the story, and will be notified of his/her right to appeal the disciplinary consequence.

School administrators are to exercise informed judgment as to whether a student's action is in violation of the *Code of Student Conduct* in school buildings, on school grounds and parking lots, in school vehicles, at school-related activities (e.g., field trips, sporting events, competitions, dances, etc.), or going to and returning from school. Five levels of consequences for violations of the *Code of Student Conduct* have been developed to guide school administrators to help change student behaviors and develop traits of good citizenship.

CLASSROOM TEACHER
DISCIPLINE RESPONSIBILITIES

Each teacher at Amherst County High School has the following responsibilities with respect to discipline:

1. To provide every student with the right to obtain an education in an orderly classroom.
2. To make students aware of rules and regulations and why such rules and regulations are necessary.
3. To maintain a high degree of fairness and consistency in carrying out disciplinary procedures.
4. To have a positive approach in all disciplinary action.
5. To explain to students who violate rules why their behavior is unacceptable.
6. To use multiple forms of intervention and prevention prior to referring the student to the office.
7. To inform parents of serious discipline problems or repeated violations of rules.
8. If a student needs to be referred to the office, the teacher will thoroughly complete the discipline referral, including: the reason for the referral, a detailed description of the incident, and any actions the teacher has taken prior to the referral being issued. The teacher will promptly send the referral to the principal/assistant principal.

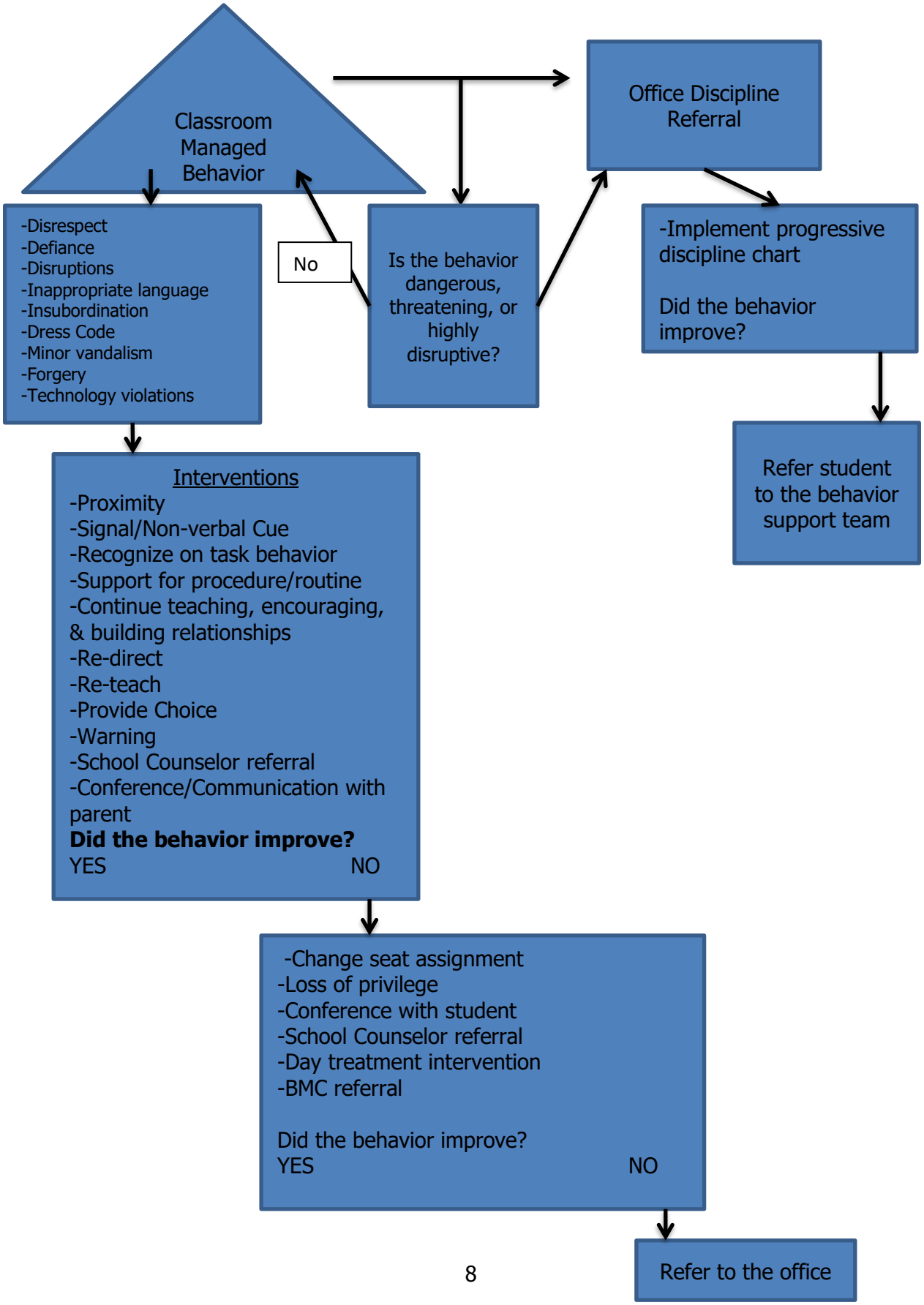
Each classroom teacher is expected to handle his/her own discipline problems. If a student reaches the final consequence or commits a serious offense, the student will be referred to the principal.

DISCIPLINE PROCESS

When a student is referred to the principal/assistant principal, the following discipline procedures will be followed:

1) The parent will be notified in writing or by phone that the student has received a referral.
2) The principal and/or assistant principal will conference with the student and give him/her a chance to tell his/her version of the incident.
3) The principal and/or assistant principal will investigate the accusations against the student and will interview witnesses, watch applicable school security videos, talk with the teacher, bus driver, etc. and collect all possible facts relating to the incident prior to making a decision regarding discipline.
4) If the student has repeatedly violated rules, injured another student, or committed a serious infraction of the rules, one or more of the following may occur:
    a. The parent will be required to pick the student up at school.
    b. The student will be separated from other students for the remainder of the day.
    c. The student may not return to school until the parent meets with the principal/assistant principal.
    d. The student will receive a consequence appropriate for the incident based on the progressive discipline chart, to include being suspended from school.
5) The principal/assistant principal will complete the referral form and will include in writing on the referral what action was taken, what days the student will need to comply with discipline consequences, whether the school resource officer was notified, and if the student was notified of their right to appeal. A copy of the completed discipline referral will be sent home with the student to be provided to the parents.
6) The principal/assistant principal will notify the parent by sending a copy of the referral home and by phone, the same day the discipline decision is made, of the results of the investigation and the action that was taken in response to the incident.
7) Serious infractions, listed on the following pages, may require that the student be referred to the Amherst County Public Schools' School Board Discipline Committee to determine disciplinary consequences. In such instances, a Student Accountability Coordinator will contact the parent and/or guardian of the student to inform them of the date, time, and process by which the student will meet with the School Board Discipline Committee, and will inform the parents of the outcome of such meeting. If the student is long term suspended, expelled, or placed in an alternative placement as a result of the meeting, a Student Accountability Coordinator will work with the parents and student to transition the student back into the regular school setting. The Student Accountability Coordinators can be reached at the Student Services Office at (434) 946-9342.

The following chart is the guidelines expected for behavior management practices:


Classroom Managed Behavior
-Disrespect
-Defiance
-Disruptions
-Inappropriate language
-Insubordination
-Dress Code
-Minor vandalism
-Forgery
-Technology violations
No
Is the behavior dangerous, threatening, or highly disruptive?
Office Discipline Referral
-Implement progressive discipline chart
Did the behavior improve?
Refer student to the behavior support team
Interventions
-Proximity
-Signal/Non-verbal Cue
-Recognize on task behavior
-Support for procedure/routine
-Continue teaching, encouraging, & building relationships
-Re-direct
-Re-teach
-Provide Choice
-Warning
-School Counselor referral
-Conference/Communication with parent
Did the behavior improve?
YES
NO
-Change seat assignment
-Loss of privilege
-Conference with student
-School Counselor referral
-Day treatment intervention
-BMC referral
Did the behavior improve?
YES
NO
Refer to the office

While school administrators are provided with a guide for the assigning of progressive consequences, there are circumstances that require school administrators to assign a consequence at a level out of the progression order or to assign a consequence that is not listed on the following page.

Below are several examples:

- School administrators have the option of using a consequence from a lower level, unless a level 4 or 5 consequence is required.

- School administrators have the option of using a consequence from a higher level if warranted by circumstances.

- School administrators may use more than one consequence, for example a student may be suspended and be on social probation for the same incident.

- Each school principal is to suspend from school ten days and refer to the office of superintendent/designee with a recommendation for long term suspension or expulsion any student who, while on a school bus, on school property, or at a school sponsored activity:
    1) is in possession of a firearm or weapon;
    2) threatens to do bodily injury to a staff member;
    3) assaults and batters a staff member;
    4) possesses, distributes, or is under the influence drugs or alcohol;
    5) possesses a firebomb, a chemical bomb, explosive materials or devices, hoax explosive devices, initiates a bomb threat, commits arson;
    6) commits a sexual offense;
    7) endangers the safety of the school community and/or any of its members.

- Students will receive out-of school suspension for the first and subsequent occurrences of the following offenses:
    1) Sexual Harassment and/or offensive sexual touching;
    2) Assault and Battery
    3) Fighting
    4) Making threats of harm or bodily injury
    5) Profanity directed at another person

- The School Resource Officer (SRO) Program places law enforcement officers from Amherst County in schools in an effort to create and maintain a safe learning environment for the students. School Resource Officers may be involved with student discipline issues and may take law enforcement action in consultation with the school administrator. In addition, certain acts of crime that occur on school property or at school sponsored events must be reported to local law enforcement authorities by the principal/designee (§ 22.1-279.3:1).

- According to § 22.1-279.3:1 of the *Code of Virginia*, certain criminal acts that occur in the community must be reported to the principal/designee and superintendent/designee, and the student may be assigned to an alternative education program (§ 22.1-277.2:1).

Amherst County Public Schools recognize the right of each student with a disability to a free appropriate public education and to procedural protection set forth under the Individuals with Disabilities Education Act and relevant state and federal regulations. Students are expected to follow the rules as outlined in the Code of *Student Conduct.* "School personnel may consider any unique circumstances on a case-by-case basis when deciding whether or not to order a change in placement for a child with a disability that violates a code of student conduct." (VAC 20-80- 160.A.3)

In addition, some infractions may warrant a lower or higher lever consequence based on severity. The level of severity is referred to as "major" or "minor". Major offenses would result in a higher level consequence. The chart below provides examples of the difference between a "major" and "minor" offense.

	Minor	**Major**
<u>Defiance</u> – Refusal, failure to follow directions	• Repeated refusal to follow directions, may be nonverbal • Failure to cooperate • Brief • Low intensity • Does not impact others' learning environment	• Involves an administrator to be resolved • Impacts others learning/safety • Safety concern (bus, shop) • Highly disruptive • Threatening
<u>Disrespect</u> – Socially rude or dismissive behavior	• Low intensity • Brief • Does not impact/disrupt the learning environment	• Repeated • Directed at an adult • High intensity • Highly disruptive • Threatening
<u>Disruption</u> – Behavior that causes an interruption in the school environment	• Low intensity • Brief • Consider the number of people affected	• Disrupts the school environment (Cafeteria, hallways, etc.) • Sustained • Involves an administrator to be resolved • Consider the number of people affected

The charts on the following pages set forth prohibited conduct and the level of consequences for violations.

Levels of Progressive Consequences

Level	Examples
1	**Classroom Level Possible Consequences:** Teachers may use one or more of the following consequences to help the students change behaviors in the classroom. If these consequences are successful, referral to the school administrator may not be necessary.
	• Reminder/Warning • Letter of Apology • Written Reflection About Incident & Student Conference • Guided Student Problem Solving • Student Conference • Loss of Privileges • Environmental Modifications (e.g., Preferential Seating, Inappropriate Item Confiscation) • Parent Contact (e.g., Telephone, Note, Copy of Think Sheet/Thinking Map, etc.) • Referral to the Behavior Management Center • Referral to the school counselor or day treatment
2	**Possible Consequences When Level 1 Consequences Are Ineffective or Severity of Incident Warrants:** Teachers may use the following consequences to help the students change behaviors in the classroom. In some cases, referral to the school administration may be necessary and the administrator or teacher may assign the following consequences:
	Parent/Guardian and/or Administrator Involvement • Parent Contact (e.g., Telephone, Conference, Letter, etc.) • Parent, Teacher, and/or Student Conference • After School Detention Assigned by Teacher /Administrator • Warning/Conference with the Administrator • Suspension from school sponsored activities • Lunch detention • In-school detention • Overnight suspension (Parent must bring the student to school the following day and meet with the administrator) • Referral to School Counselor (e.g., Conflict Resolution) • Supervised Time-Out Outside of Classroom (Behavior Management Center) • Completion of Assigned Behavioral Learning Packet • Confiscation of Item and Returned Only to the Student's Parent • Loss of privileges (e.g., driving privileges) • Social probation (e.g., not allowed to attend field trips, football games, dances, etc.)
3	**Possible Consequences When Level 2 Consequences Are Ineffective or Severity of Incident Warrants**
	Office Referral Required, Parent/Guardian Notification Required • Student Conference/Warning • Parent Contact/Conference • After School Detention • Confiscation of Item and Returned Only to the Student's Parent • Overnight suspension (Parent must bring the student to school the following day and meet with the administrator) • Restricted Activity • Suspension from Extra-Curricular Activity • Restitution • Loss of Privileges (e.g., driving privileges) • In-School Detention (Multi-Period Assignments, Half Day, or 1-5 Days) • Short-Term Out of School Suspension (1-5 Days) • Referral to Student Services Personnel • Report to Outside Agencies (e.g., Truancy Review Team) • Report to Law Enforcement Authorities
4	**Possible When Level 3 Consequences Are Ineffective or Severity of Incident Warrants**
	Office Referral Required, Parent/Guardian Notification Required • Short-Term Out of School Suspension (6-10 Days) • Referral to Student Services Personnel • Report to Outside Agencies • Report to Law Enforcement Authorities • Recommendation for Alternative Education • Referral to Student Accountability Committee (SAC)
5	**Possible When Level 4 Consequences Are Ineffective or Severity of Incident Warrants**
	Office Referral Required, Parent/Guardian Notification Required, Discipline Hearing with School Board Discipline Committee Required • Ten Day Out of School Suspension with Recommendation for Long-Term Suspension (11-364 Days) • Ten Day Suspension with Recommendation for Expulsion (May Petition School Board After 365 Days for Readmission) • Recommendation for Alternative Education Services During Long-Term Suspension • Recommendation for No Educational Services During Long-Term Suspension • Report to Outside Agencies • Report to Law Enforcement Authorities

Levels of Consequences for Students in Grades 9-12							
Offense/Violation		1	2	3	4	5	Police Reporting
A1T. Attendance	- Tardiness - Skipping Class - Leaving school property without permission	•	•				See Compulsory Attendance Law Section
AL1. Alcohol	AC1. Use					•	•
	AC2. Possession					•	
	AC 3. Sale/Distribution					•	
AR1. Arson	AS1. Actual					•	•
	AS2. Attempted					•	
	AS3. Lighted Firecrackers, Cherry Bombs, or Stink Bombs that Contribute to a Damaging Fire					•	
Assault/ Battery	BA1. With Weapon Against Staff					•	•
	BA2. With No Weapon Against Staff					•	
	BA3. With Weapon Against Student					•	
	BA4. With No Weapon Against Student				•	•	
	BA5. Malicious Wounding Without a Weapon					•	
	BA6. Without injury				•	•	Consult SRO
BB1. Bomb Threat	BO1. Bomb Threat					•	•
	BO2. Chemical/Biological Threat					•	
	BO3. Terrorist Threat					•	
	BO4. Setting Off False Fire Alarm					•	
BR1. Breaking and Entering/ Burglary	BK1. Actual					•	•
	BK2. Attempted					•	
Bullying	BU1. Repeated Negative Behaviors Intended to Frighten or Cause Harm			•	•	•	
	BU2. Cyber Bullying			•	•	•	
Disorderly Conduct/ Insubordinate	D1C. Disrespect/Walking Away, Etc.	•	•	•			
	D2C. Defiance/Refuses Requests	•	•	•			Consult SRO
	D3C. Disruptive Demonstrations			•	•	•	Consult SRO
	D4C. Possession of Obscene or Disruptive Literature			•	•	•	Consult SRO
	D5C. Classroom or Campus Disruption	•	•	•			
	D6C. Using Obscene or Inappropriate Language or Gestures		•	•			
	D8C. Minor Insubordination	•	•				

Levels of Consequences for Students in Grades 9-12							
Offense/Violation		1	2	3	4	5	Police Reporting
DR1. Drug Violations Schedule I-II Drug, Synthetic Marijuana, Marijuana, Anabolic Steroid Use or Possession	DG1. Schedule I & II Drug Use					•	•
	DG2. Schedule I & II Drug Possession					•	
	DG5. Synthetic Marijuana (e.g., Spice)					•	
	DG7. Marijuana Use					•	
	DG8. Marijuana Possession					•	
	D20. Anabolic Steroid Use & Possession					•	
DR2. Drug Violations Imitation	D17. Substances Represented as Drugs (Look-alikes)					•	•
DR3. Drug Violations Prescription	DR3. Theft or Attempted Theft of Prescription Medication					•	•
DR4. Drug Violations Schedule I-II, Synthetic Marijuana, Marijuana, Anabolic Steroid Distribution or Sale	DG3. Schedule I & II Drugs Sales/Distribution					•	•
	DG6. Synthetic Marijuana (e.g., Spice)					•	
	DG9. Marijuana Sales/ Distribution					•	
	D19. Anabolic Steroid Sales/Distribution					•	
DR5. Drug Violations Schedule III-VI, Paraphernalia (Level 3 – Unauthorized possession of own medication.)	D10. Schedule III-VI Other Drug Use/Overdose					•	•
	D11. Schedule III-VI Other Drug Possession/ Paraphernalia Possession					•	•
	D12. Schedule III-VI Other Drug Sale/Distribution					•	•
Drug Violations Inhalants	D15. Possession of Inhalants					•	•
	D16. Use of Inhalants					•	
Drug Violations Over-the-Counter Use/ Possession/ Sale/ Distribution	D4G. Over-the Counter Medicine/Use			•	•	•	Consult SRO
	D5G. Over-the-Counter Medicine/Possession			•	•	•	
	D6G. Over-the-Counter Medicine Distribution				•	•	
	D6G. Over-the-Counter Medicine Sale					•	
Electronic Devices/ Inappropriate Use	C1M. Beepers		•	•			
	C2M. Cellular Telephones		•	•			
	C3M. Other Electronic		•	•			
EX1. Extortion	ET1. Extortion					•	Consult SRO
	ET2. Attempted Extortion					•	

Levels of Consequences for Students in Grades 9-12							
Offense/Violation		1	2	3	4	5	Police Reporting
Fighting	FA2. Fighting/No or Minor Injury/Mutual Participation				•	•	Consult SRO
	F1T. Confrontation/ Tussle/Verbal or Physical Aggression/No Injury			•	•		
G1B. Gambling	G1B. Gambling		•	•	•	•	
HR1. Harassment	HR1. Repeated Physical, Verbal, or Psychological			•	•	•	
GA1. Gang Activity	GA1. Gang Activity		•	•	•	•	Consult SRO
H1Z. Hazing	H1Z. Act of Harm Related to Initiation			•	•	•	Consult SRO
RT1. Inciting a Riot	RG1. Inciting a Riot					•	•
	RG2. Attempting to Incite					•	
KI1. Kidnapping	KI1. Kidnapping					•	•
Other Violations	S1V. Inappropriate Personal Property (e.g., Dress Code Violation)	•	•				
	S2V. Misrepresentation	•	•	•			
	S2V. Cheating, Plagiarism	•	•	•			
	S2V. Forgery	•	•	•			Consult SRO If Criminal
S3V. Other Violations	S3V. Minor Vandalism (Writing on a desk)	•	•				
RO1. Robbery	RB1. Actual Robbery					•	•
	RB2. Attempted Robbery					•	
ST1. Stalking	ST1. Stalking					•	•
Sexual Offenses	SB1. Sexual Battery Against Staff					•	•
	SB2. Sexual Battery					•	•
	SX0. Sexual Harassment			•	•	•	
	SX1. Offensive Sexual Touching/Staff					•	
	SX2. Offensive Sexual Touching/Student			•	•	•	
	SX3. Sexual Assault Staff/Rape					•	•
	SX4. Sexual Assault Student/Rape					•	•
	SX5. Attempted Sexual Assault/Staff/Rape					•	•
	SX6. Attempted Sexual Assault/Student/Rape					•	•
	SX7. Sexual Offense without Force/Lewd Behavior/Indecent Exposure					•	•
	SX8. Aggravated Sexual Battery/Student Less than Age 15					•	•

Levels of Consequences for Students in Grades 9-12							
Offense/Violation		1	2	3	4	5	Police Reporting
Technology Use Violations/Use	T1C. Unauthorized Use of Technology/Information	●	●	●	●	●	Consult SRO If Criminal
	T2C. Causing/Attempting to Cause Damage to Hardware, Software, or Files	●	●	●	●	●	
	T3C. Violations of Acceptable Usage Policy	●	●	●	●	●	
	T4C. Violations of Internet Policy	●	●	●	●	●	
TI1. Threats/ Verbal/ Physical	TI1. Threat/Intimidation Against Staff					●	●
	TI2. Threat/Intimidation Against Student			●	●	●	Consult SRO
TH1. Theft/No Force	TF1. School Property				●	●	Consult SRO
	TF2. Staff Property				●	●	
	TF3. Student Property				●	●	
	TF4. Possession of Stolen Property (Minor incidents)	●	●	●			
TH2. Motor Vehicle	TF6. Attempted Theft or Theft of Motor Vehicle					●	Consult SRO
TB1. Tobacco and vapes	TC1. Use			●	●		Consult SRO
	TC2. Possession			●	●		
	TC3. Sale/Distribution			●	●		
T4B. Tobacco/ vapes Paraphernalia	T4B. Bring Tobacco/E-cigarettes Paraphernalia to School/School Event			●	●		Consult SRO
TR1. Trespassing	TR1. Trespassing on School Property (Including the Parking Lot), Including Trespass By Students While Suspended or Expelled		●	●	●	●	Consult SRO
VA1. Vandalism	VN1. School Property			●	●	●	Consult SRO
	VN2. Private Property			●	●	●	
	VN3. Graffiti			●	●	●	

Levels of Consequences for Students in Grades 9-12							
Offense/Violation		1	2	3	4	5	Police Reporting
Weapons	WP0. Pneumatic Weapon (BB, Pellet, or Paint Ball Gun)					●	●
	W1P. Ammunition		●	●	●	●	
	W2P. Chemical Substance		●	●	●	●	
	W3P. Toy/Look Alike Gun		●	●	●	●	
	W8P. Razor Blades, Box Cutter, Knife (Blade Less Than 3 Inches)			●	●	●	
	W9P. Fireworks/ Firecrackers/Stink Bombs		●	●	●	●	
	WT1. Taser					●	
	WS1. Stun Gun					●	
Weapons	WP1. Handgun/Pistol					●	●
	WP2. Shotgun/Rifle					●	
	WP4. Expels Projectile					●	
	WP5. Knife (Blade 3 Inches or More)					●	
	WP6. Explosive Device/Live Ammunition					●	
	WP7. Use of Bomb or Explosive Device					●	
	WP8. Zip Gun/Starter Gun/Flare Gun					●	
	WP9. Other Weapons (e.g., Golf Club, Baseball Bat, Chains, Pipe, Nunchakus, Billy Club, or any other object that an individual intends to use as a weapon)				●	●	

Honor Code

The honor code, established to promote integrity within the student body, is taken very seriously and will be strictly enforced. The honor code reads as follows:

As a student at Amherst County High School, I will respect the rights of others, assume the responsibility for my own actions, and maintain the basic standards of personal honor. Recognizing the fundamental principles of justice and personal integrity, I pledge to uphold the virtues of the Amherst County High School Honor Code.

Honor Code Violations include:

1. Giving or receiving help on graded assignments
2. Talking during a test or quiz
3. Plagiarism
4. Any obscenity within a written or oral project, report or work that is graded.

First offense:
Teachers will give a zero on the assignment, contact parent/administrator, and then report the incident to a school counselor.

Second offense:
The student will be given a zero in addition a conference will be held with parent, student, teacher, and counselor.

Third offense:
(and all others after this)– zero, suspension and possible loss of credit for the semester, and referral to school counseling.

*Violations are cumulative (and will be maintained by the student's school counselor).

Telephones/Cell Phones

Cellular phones may be used by students being transported on ACPS buses and vans. **Please see the requirements listed below in regards to cell phone use on school buses to adhere to the ACPS policies.** Students exiting the building as car riders may access their phones once they exit the rear of the school building. **In case of emergency**, a telephone is available in the main office for students to use with permission.

Cell Phone Policy
The use (outgoing calls, incoming calls, text messaging, camera use, game-playing, or any other use) of cell phones in the school building is strictly prohibited at all times. Such use will result in disciplinary action and loss of cell phone privileges. Cell phones are to be turned off while in the student's possession at school. Vibrate and silent mode is considered on. Phones are to be off at all times. If a phone goes off in the school building or is out and visible, the student will be disciplined accordingly.

1. **First offense** = Phone Confiscated; Parent Contact and released to student at the end of the day.
2. **Second Offense** = Phone Confiscated and released to parent.
3. **Third offense** =Phone Confiscated; one day of ISD and phone released to parent.
4. **Fourth offense** = Phone Confiscated; two days of ISD, 1 week of social probation and phone released to parent.
5. **Fifth offense** = Phone Confiscated; two days of ISD, 2 weeks of social probation and phone released to parent.

- Parent should continue to call the school for any emergency situation. We will contact your son/daughter. Do not try to contact them by cell phone.
- In addition to the suspension, the student's cell phone or pager will be confiscated. The parent/guardian will need to come to school to pick it up at the end of the confiscation period.
- It is permissible for students to use their cell phone outside of the buildings on school grounds before or after school hours.

- Cell phones must be concealed at all times.
- **Cellular phones may be used by students being transported on ACPS buses and vans. Students may use their phones to send text messages, access social media, access the internet, listen to music, or to watch videos. Students are required to utilize earbuds or headphones when viewing videos or listening to music. Students are NOT allowed to make phone calls, record images or sound, or take pictures. All content being accessed must be within the guidelines of the ACPS acceptable use policy. Students must NOT wear ear buds or headphones <u>while boarding or disembarking the school bus or while crossing the road in front of the bus.</u>**

The use of camera phones is <u>strictly forbidden at any time in private areas, such as locker rooms, restrooms, dressing areas, classrooms, and offices.</u> **Such use may also be in violation of the criminal code.** Students who refuse to give their cell phone to a school official will be suspended for failure to comply.
***This policy is subject to change as deemed necessary by administration. Students will not be permitted to call home during school hours in the event a phone is confiscated.**

Tardy Policy

The Tardy Policy is devised to encourage prompt arrival of students in the classroom for immediate instructional engagement. Tardiness is defined as absent from 0 to 5 minutes after the tardy bell. Skipping class is defined as absent beyond 5 minutes after the tardy bell.

- Students are expected to report to class on-time. Tardiness is cumulative; therefore, if a student arrives to class tardy then the teacher is expected to enter the tardy into PowerSchool for accurate reporting. A tardy report will be printed each morning and an administrator will notify the student when they reach the threshold for disciplinary action.
- Tardiness to school by student drivers will result in revocation of driving privileges. To avoid tardiness to school, students are strongly encouraged to take advantage of Amherst County Public School transportation services.
- 1st period tardiness to school will be handled separately from the remaining 2nd- 7th period class periods. The consequence charts are listed below.

<u>First Period-Arrival to School- Tardiness</u>

1st Period Tardiness to school will be handled by the Student Accountability Coordinator (Mrs. Peters). An attendance station will be set-up for check-in after the 1st period bell rings. Students are expected to report to the designated location to receive a pass to class. **Students who are late to first period will not be admitted to class without a pass.** Mrs. Peters will inform the students of the number of tardies that have accumulated at this time.

****Consequences subject to revision by the administration*****

Number of Tardies	Consequences
1	Warning
2	Student Accountability Coordinator Conference/Warning
3	Administrative Conference
4	Parent Conference
5	Lunch Detention
6	1-Hr. After School Detention
7	1-Week Social Probation & Loss of Driving Privileges
8	1-Day ISD & 1-Week Loss of Driving Privileges
9	1 Day ISD & 2-Weeks Loss of Driving Privileges

10	2 Days ISD & Loss of Driving Privileges for the balance of the semester
11+	Parent Conference with the Administration and Student Accountability Coordinator

Second – Seventh Period- Tardiness

Consequences subject to revision by the administration*

Number of Tardies	Consequences
5	Administrative Reprimand
6	Lunch Detention
7	1-hour After-School Detention
8	2-hour After-School Detention
9	Parent Conference
10	ISD
11	ISD & 1-Week Social Probation & Loss of Driving Privileges
12	ISD & 2-Weeks Social Probation & Loss of Driving Privileges
13	Social Probation and Loss of Driving Privileges for the balance of the semester
14+	Parent Conference with the Administration

Tardies are cumulative each semester. **Students are expected to clear the hallways and be in the classroom prior to the tardy bell. Teachers may use their discretion and expect students to be in their seat before the tardy bell or risk being counted tardy for class.**

Excuses such as oversleeping, car trouble, or missing the bus are not considered valid reasons for being tardy.

*Tardy and late are used interchangeably.
**Students are reminded that driving privileges may be revoked at any time at the discretion of Administration.

Definitions of Potential Consequences

- **Alternative Education:** A student may be assigned to a program of alternative education in cases of serious or chronic misconduct that significantly disrupts the learning environment. A student who has been charged with or who has been found guilty or not innocent of certain crimes regardless of where the incident occurred may be required to attend an alternative education program. The alternative education program is designed to offer instruction to students for whom the regular program of instruction may be inappropriate.
- **Alternative Suspension Center:** Instead of suspending students out of school, a school administrator may assign students to the alternative suspension center. The alternative suspension center is located at the Amherst Education Center. Students attend the program for the number of days that the student is assigned by the school administrator. While at the alternative suspension center, the student will complete assignments for grading, that is given to them by their regular classroom teachers. Students may ride the bus to and from school as normal while assigned to the alternative suspension center. Students will also participate in counseling services while assigned to the program. These services are provided by qualified mental health professionals that are employed by a private mental health agency.
- **Behavior Management Center:** A teacher may, at his/her discretion, send a student to the Behavior Management Center (BMC) instead of sending the student to the office for a behavior referral. A student can be

sent to BMC for the following reasons: being rude or discourteous, failing to bring the appropriate materials to class, talking excessively, being defiant or insubordinate, disrupting class, putting his/her head down on the desk, sleeping in class, being disrespectful to a classmate, refusal to do classwork, or bringing food or drink in the classroom. The fifth time a student is sent to BMC during a semester – trips to BMC are not counted by class but are cumulative – he/she will be sent to the office and will receive an appropriate consequence. For each subsequent trip to BMC, the student will be sent to the office for appropriate disciplinary action. Students who are sent to BMC must report directly to BMC and not go to the office, bathroom, etc.

- **Conference with Parent/Guardian:** Parents may be required to come to the school to meet with a teacher, counselor, or administrator to discuss their child's progress or problems.
- **Confiscation:** Any item prohibited by this *Code* will be surrendered from the student's possession.
- **Consequences of Suspension/Expulsion:** A suspended/expelled student shall be excluded from entry upon any and all Board property, including each of the division schools and buses, for the duration of the suspension/expulsion period. A suspended/expelled student shall not participate in or attend any school activity of any kind including, but not limited to, academic, athletic, and extracurricular activities such as band, debate, drama, field trip, graduation ceremony, dance including junior and senior prom, and athletic practice, games, contests, and/or events. Nor may a student attend non-school related activities and events on Board property during the period of suspension/expulsion except with the written consent of the superintendent/designee. The period that a student is suspended out of school shall not terminate prior to readmission of the student to school on the day established by the principal or other school official, for return to school.
- **Consequences to Criminal Acts Not Related to School Activities:** Students may be disciplined by the principal, superintendent, School Board or designee for acts committed away from school property and outside of school hours that are detrimental to the interest of the school and adversely affect school discipline.
- **Court Referral:** In case of a drug offense, assault, weapon possession, or other violation of the *Code of Virginia*, the student may be referred to law enforcement officials to determine if court action is necessary.
- **Detention:** This is a method of discipline that may be employed by an administrator or teacher according to school policies to keep a student before or after school hours or in supervised isolation during non-instructional time in hope of correcting inappropriate behavior. Parents must be notified in advance if the student is to serve a before or after school detention.
- **Expulsion**: Expulsion is disciplinary action imposed by a school board whereby a student is not permitted to attend school within the school division or is ineligible for readmission for 365 calendar days after the date of the expulsion.
- **In-School Suspension (ISS):** In cases of misconduct that may require alternatives to out-of-school suspension, students may be assigned to an isolated, controlled environment within the school under the supervision of qualified personnel. Assignment of a student to this program may be made only after an administrator or his/her designee has determined the placement to be appropriate. Determination of the assignment of the number of days will be consistent and tailored to the needs of the individual.
- **Law Enforcement Agency Involvement:** In cases of serious violations of the ***Code of Virginia***, the Amherst County Sheriff's Department or Town of Amherst Police Department, Child Protective Services, the Resource Officers and Juvenile Probation Departments may be included in the disposition. School administrators are required to report to the local law-enforcement agency all incidents occurring on school property involving (1) the assault and battery against school personnel, the maiming, death, shooting or stabbing of any person or the intentional cutting or wounding of a person by another, (2) a controlled substance, or (3) the illegal carrying of a firearm or weapon onto school property. The School Resource Officer (SRO) Program places law enforcement officers from Amherst County in schools in an effort to create and maintain a safe learning environment for the students. School Resource Officers may be involved with student discipline issues and may take law enforcement action after consulting with the principal.

- **Long-term Suspension:** Long-term suspension is the disciplinary action whereby a student is not permitted to attend school for more than ten (10) school days but less than 365 calendar days.
- **Loss of privileges/Social Probation:** Privileges including driving to school (parking pass), using school computers and/or internet, attending school sponsored activities such as dances, field trips, athletic events, etc., may be restricted or prohibited.
- **Parent Contact:** The most effective person in dealing with student discipline problems is the parent. Teachers, counselors and administrators will contact the parents by phone or letter in an effort to keep parents informed of student conduct. Principals are required to notify parents of any student involved in certain incidents regardless
- **Restitution:** The replacement of, or payment for, property taken, damaged, or destroyed will be required for school property or in the principal's discretion, the property of another.
- **Short-term Suspension:** Suspension is a denial to a student of the right to attend school and to take part in any school function for any period of time up to ten (10) school days.
- **Student Accountability Committee (SAC):** A student may be referred to the SAC committee after receiving three out of school suspensions or excessive discipline referrals. The SAC committee is comprised of the ACPS Superintendent or Designee, School Board Member (assigned on a rotating basis), Student Accountability Coordinator and/or School Social Worker, School Administrator, Parent, and Student. Where appropriate, intervention strategies or referrals for services may be made. Consequences for subsequent disciplinary actions by the school administrator will be as follows:
  First Offense – 3 days suspension
  Second Offense – 5 days suspension
  Third Offense – 7 days suspension with a referral to the School Board for a long-term suspension consideration or change in school placement
- **Student Services Intervention:** When a student experiences repeated problems in school, school personnel may refer this student to the school accountability coordinator and/or psychologist. The student is counseled and, if necessary, evaluated for alternative placement, counseling, etc.

Offense Terms and Definitions

- **Alcohol:** Violating laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption, or being under the influence of intoxicating alcoholic beverages or substances represented as alcohol.
- **Arson:** Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.
- **Assault/Battery Malicious Wounding Without a Weapon:** Maliciously causing bodily injury to a person (without a weapon) with the intent to maim, disfigure, disable, or kill.
- **Assault/Battery With No Weapon Against Staff:** An actual offensive and intentional touching or striking of a staff member against his or her will, intentionally causing bodily harm without the use of a firearm or weapon.
- **Assault/Battery With No Weapon Against Student:** An actual offensive and intentional touching or striking of a student against his or her will, or mutual participation in a fight that intentionally causes bodily harm without the use of a firearm or weapon.
- **Assault/Battery With Weapon Against Staff:** An actual offensive, forceful and violent and intentional touching or striking of a staff member against his or her will, intentionally causing bodily harm through the use of a firearm or other weapon.
- **Assault/Battery With Weapon Against Student:** An actual offensive forceful and violent and intentional touching or striking of a student against his or her will, intentionally causing bodily harm with the use of a firearm or other weapon.
- **Athletes and Anabolic Steroids:** The *Code of Virginia* mandates that any student athletes who have been found to have used anabolic steroids will be ineligible to compete in interscholastic athletic competitions for two (2) school years (§ 22.1-276.3, *Code of Virginia*).
- **Bomb Threat/Terrorist/Chemical/Biological:** Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, causing damage to a school building or school property, or harming students or staff. Intentionally making a false report of potential harm from dangerous chemicals or biological agents.
- **Breaking and Entering/Burglary:** Unlawfully entering or attempting to enter a building or other structure with the intent to commit a crime.
- **Bullying:** Using repeated negative behaviors intended to frighten or cause harm. These may include, but are not limited to verbal or written threats or physical harm.
- **Cyber bullying** is defined as using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking Web sites, defamatory personal Web sites, and

defamatory online personal polling Web sites to support deliberate, hostile, behavior intended to harm others.

- **Disorderly Conduct:** Unwillingness to submit to authority or refusal to respond to a reasonable request. Any act that intentionally disrupts the orderly conduct of a school function. Any behavior that substantially disrupts the orderly learning environment. This may include defiance (refusal to cooperate), disrespect (socially rude or dismissive behavior), and/or disruption (behavior that causes an interruption in the school environment).
- **Drug Violations (Schedule I & II, Anabolic Steroid, Marijuana, Use & Possession):** Violation of laws or ordinances prohibiting the manufacture, transportation, possession or consumption of marijuana, Schedule I & II drugs, and anabolic Steroid-Use. Suspicion of being under the influence of marijuana may be included if it results in disciplinary action.
- **Drug Violations (Substances Represented as Drugs - Look a-likes**): Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any substances represented as an imitation controlled substance or drug look-alikes.
- **Drug Violations Inhalants:** Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any inhalants.
- **Drug Violations Over-the-Counter Use, Possession, Sale/Distribution:** Unlawful use, distribution, sale, solicitation, purchase, possession, transportation, or importation of over-the-counter medication.
- **Drug Violations Schedule I & II, Anabolic Steroid, or Marijuana Sale/Distribution:** Unlawfully possessing with the intent to distribute, sell, or solicit any Schedule I or II drug, marijuana, or anabolic steroid.
- **Drug Violations Schedule III-VI Use, Possession, Sale, Distribution, Paraphernalia Possession:** Unlawfully using or possessing with the intent to distribute, selling or soliciting any controlled drug or narcotic substance not specified in previous drug categories. Having equipment (paraphernalia) for use in consuming illegal drugs in one's pocket, bag, car, or locker.
- **Drug Violations Theft or Attempted Theft of Prescription Medication:** Unlawfully possessing or attempting to take possession of drugs prescribed for another.
- **Electronic Devices:** Using electronic devices that are deemed inappropriate in an educational setting. Any type of electronic device which distracts or impedes the educational process during the school day is prohibited. This includes but is not limited to beepers, cell phones, Personal Digital Assistants (PDAs), MP3 players, IPods, electronic games, cameras, radios, tape or CD players, and video tapes, or DVDs. The devices are not to be displayed or in use unless given special permission by the teacher (e.g., for a lesson activity) or the building principal.
- **Extortion:** Unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat or eventual physical injury or other harm to that person or person's property.
- **Fighting With No Injury or Minor:** Mutual participation in a fight involving physical violence, where there are no or minor injuries. These may include, but not be limited to, the following: scrape on body (e.g., knee, elbow, hand) or minor bruising.
- **Fighting/Altercation:** Confrontation, tussle, or verbal/physical aggression that does not result in injury.
- **Gambling:** Making, placing, or receiving any bet or wager of money or other thing of value dependent upon the result of the game, contest, or any other event with an uncertain outcome.
- **Gang Activity:** Street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary objectives or activities to commit 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. Gang activity, including but not limited to wearing or other display of gang colors, emblems, symbols, etc., including tattoos on hand or body; solicitation, initiation and/or hazing of any person; meeting and/or conspiring for purpose of planning or carrying out any illegal activity; intimidation, threat and/or extortion of any person; carrying out at the direction of a gang or gang member, or in association with another gang member, any activity in violation of law or the *Code of Student Conduct*; defacing of school or personal property with gang graffiti and/or colors is prohibited**.** Violations shall be reported to the Superintendent and shall also be reported to the Sheriff if the potential exists for criminal charges to be filed.

- **Harassment, Nonsexual Physical, Verbal, or Psychological:** Repeatedly annoying or attacking a student or a group of students or other personnel which creates an intimating or hostile educational or work environment.
- **Hazing:** Committing an act or acts against a student or coercing a student to commit an act that creates risk of harm to a person in order to be initiated into a student organization or class. Recklessly or intentionally endangering the health or safety of a student or students or inflicting 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. According to §18.2-56 of the *Code of Virginia*, it is unlawful to haze so as to cause bodily injury to any student at any school; such offense is a Class 1 misdemeanor with possible penalty of confinement in jail for not more than twelve (12) months or a fine of not more than $2,500.00, or both.
- **Homicide:** Any death resulting from the use of a firearm or weapon.
- **Imitation Controlled Substance:** Means (i) a counterfeit controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a controlled substance subject to abuse, and:
  1) Which by overall dosage unit appearance, including color, shape, size, marking and packaging or by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other form whatsoever will be mistaken for a controlled substance unless such substance was introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate; or
  2) Which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the United States Food and Drug Administration (§ 18.2-247, *Code of Virginia*).
- **Inciting a Riot:** Unlawful use of force or violence that seriously jeopardizes the public safety, peace, or order. Three or more people acting together.
- **Kidnapping:** Unlawfully seizing, transporting, and/or detaining a person against his/her will, or a minor without the consent of his/her custodial parent(s) or legal guardian.
- **Other Possible Weapons:** Possessing knife less than three inches, razor blades, box cutters, fireworks, firecrackers, or bringing stink bombs to school or a school event.
- **Pneumatic Weapon BB Gun:** Possessing or bringing any pneumatic gun or rifle that is air powered to school or a school event. A pneumatic gun or rifle includes a BB, paint ball, or pellet gun.
- **Possession of Ammunition:** Possession of any type of ammunition. Ammunition means ammunition or cartridges, cases, primers, bullets, or propellant powder designed for use in any firearm.
- **Possession of Explosive Device:** Possessing or representing any weapon that explodes or is designed to or may readily be converted to explode.
- **Possession of Stun Gun:** Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge that exceeds the equivalency of 5 milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.
- **Possession of Taser Gun:** Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or another charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person.
- **Robbery:** Taking, or attempting to take, anything of value owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. School day – from the time students enter the building/grounds until school dismissal.
- **Sexual Battery:** Sexual battery involves an offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse.
- **Sexual Harassment:** 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.
- **Sexual Offense Aggravated Sexual Battery:** Sexually abusing a victim less than thirteen years of age or accomplishing the act against the will of the victim by force, threat, 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 uses or threatens to use a dangerous weapon.
- **Sexual Offense Attempted Forcible Assault:** Attempted sexual penetration without consent.
- **Sexual Offense Forcible Assault:** Sexual penetration without consent.

- **Sexual Offense Offensive Touching:** Improper physical contact that is offensive, undesirable, and/or unwanted as determined by the victim.
- **Sexual Offense Without Force:** Lewd behavior, indecent exposure that includes sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat.
- **Stalking:** Engaging in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury.
- **Technology Use Violations/Use:** Unauthorized violations of technology use according to the Acceptable Usage Policy.
- **Theft Offense of a Motor Vehicle:** Unlawfully taking, carrying, leading, or riding away a motor vehicle or the attempted theft of a motor vehicle.
- **Theft Offense:** Unlawfully taking, carrying, leading, or riding away property from the possession of another person. May include pocket picking, purse snatching, theft from building, theft of electronic data, theft from motor vehicle, or from coin-operated machines.
- **Threat/Intimidation:** Unlawfully placing a student in fear of bodily harm through physical, verbal, written or electronic threats without displaying a weapon or subjecting the person to actual physical attack.
- **Threats to Bomb, Burn, Destroy or Damage:** Any person (a) who makes and communicates 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 (b) who communicates 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, shall be guilty of a Class 5 felony; provided, however, that if such person be under fifteen years of age, he shall be guilty of a Class 1 misdemeanor (§18.2-83, *Code of Virginia*).
- **Tobacco/vape Paraphernalia:** Bringing tobacco/e-cigarettes/vape or other nicotine containing paraphernalia to school or to a school event.
- **Tobacco/vape Use Possession, Sale, Distribution:** Possessing, using, distributing, or selling tobacco products, including smokeless tobacco and e-cigarettes, vape, and other nicotine containing products, on school grounds, at school-sponsored events, and/or on school transportation.
- **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 or expulsion and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave.
- **Use of Bomb or Explosive Device:** Using any weapon that is designed to explode with the use of a triggering device or by a chemical reaction that causes an explosion.
- **Vandalism:** Willfully and/or maliciously destroying, damaging or defacing public or private property without the consent of the owner or the person having custody or control of it. This category includes graffiti.
- **Weapon Expels a Projectile:** Possessing or bringing to school or a school-sponsored event 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.
- **Weapon Firearm Handgun/Pistol:** Possessing or bringing a handgun or pistol to school or to a school-sponsored event.
- **Weapon Firearm Shotgun/Rifle:** Possessing or bringing a rifle/shotgun to school or a school-sponsored event.
- **Weapon Knife:** Possessing or bringing to school or a school-sponsored event any sharp-edged instrument that is classified as a knife with a blade of three inches or more.
- **Weapon Other Firearms:** Possessing or bringing any other weapon that will, is designed to, expel a projectile by the action of an explosive to school or a school event. This includes firearms not mentioned previously (operable or inoperable, loaded or unloaded) such as, but not limited to, a zip or starter gun.
- **Weapon Other Weapon:** Possessing or bringing any weapon, instrument, or object that is designed to or may readily be converted to inflict harm on another person to school or a school event (e.g., golf club, baseball bat, chains, nunchakus, billy club, or any other object that an individual intends to use as a weapon).
  Weapon/Chemical Substance: Possessing or bringing to school or a school-sponsored event any substance used as a weapon. The substance would include mace, tear gas, or pepper spray.
- **Weapon/Look-alike:** Any device that looks like a real gun or is a toy gun (i.e., water pistols). Category also includes look-alike weapons.

After-School Detention/ASD Regulations

Tuesdays and/or Thursdays will be reserved for after-school detention. Students assigned to a one-hour detention will serve from 3:00 p.m. - 4:00 p.m. Students assigned a two-hour detention will serve from 3:00 p.m. to 5:00 p.m. School personnel will supervise after-school detention.

1. Parents or guardians are expected to make special arrangements for their child to be picked up after they serve in after-school detention.
2. Students must report to their assigned room on or before 3:00 P.M.
3. Students are required to bring sufficient work during detention, sleeping is not an option. Teachers have the option of having students complete make-up work, tests, or any other assignments during after-school detention.

In-School Detention/ISD Regulations

The In-School Detention (ISD) program allows for the retention of students within the school during the normal school day and attempts to modify students' conduct. Assignments will be made only for certain offenses and as a consequence for an assertive discipline referral. The operational procedures for the ISD program are as follows:

1. Students will be assigned to the program by the administrative staff and parental contact will be made by telephone.
2. Students will work on appropriate class assignments submitted by their teachers, or will be given behavioral management worksheets to complete.
3. Students will be isolated from their peers and expected to comply with all school rules and regulations.
4. Students who fail to comply with the expectations of the ISD supervisor may be required to serve additional time or risk being removed for out-of-school suspension.
5. An ISD suspension will correspond to the length of the student's day.

The following is a list of rules and regulations that students in ISD must follow. Violations may result in extra days of ISD, after-school detention, or out-of school suspension.

1. Students will be assigned to the program by the administrative staff as needed. Excessive referrals may result in Out of School Suspension/OSS.
2. Students will report to the ISD room no later than 7:45 A.M.
3. Bring pencils, paper, and textbooks.
4. Remain quiet.
5. Remain in assigned seat.
6. No snacks, beverages, or gum are allowed in the ISD room.
7. Continuous study is mandatory.
8. Students will not receive individual bathroom privileges. Students will be accompanied to the bathroom as a group at specific times during the day.
9. Students will not be allowed out of ISD for any reason (Unless it is a serious emergency).
10. All ISD students must surrender all communication devices (cell phones, iPods, iPads, MP3 Players, Blackberrys, eReaders, etc…) to the ISD supervisor upon entering the ISD room**. Any student who violates this expectation will serve the balance of their ISD time in Out-of-School suspension.**
11. **ISD Coordinator may refer students to an administrator for immediate Out-of-School suspension for failure to comply with ISD regulations, after completion of assigned suspension, the student will have to complete the assigned detention**.

All assignments are expected to be completed prior to returning to class. A zero will be given by the classroom teacher for all incomplete work.

Lunch Detention Regulations

1) Report immediately to the lunch detention table in the cafeteria prior the tardy bell.
2) Remain seated and quiet for entire lunch period.
3) Lunch will be consumed in assigned area.

Behavior Management Center Regulations (BMC)

A teacher may, at his/her discretion, send a student to the Behavior Management Center (BMC) instead of sending the student to the office for a behavior referral. A student can be sent to BMC for the following reasons: being rude or discourteous, failing to bring the appropriate materials to class, talking excessively, being defiant or insubordinate, disrupting class, putting his/her head down on the desk, sleeping in class, being disrespectful to a classmate, refusal to do classwork, or bringing food or drink in the classroom. The fifth time a student is sent to BMC during a semester – trips to BMC are not counted by class but are cumulative – he/she will be sent to the office and will receive an appropriate consequence. For each subsequent trip to BMC, the student will be sent to the office for appropriate disciplinary action. Students who are sent to BMC must report directly to BMC and not go to the office, bathroom, etc.

STUDENT CONDUCT ON SCHOOL BUSES
Policy JFCC-R

TRANSPORTATION OF STUDENTS

The School Board may furnish transportation to resident students enrolled in the schools of the division who satisfy the following requirements:

1. Reside within the attendance area of the school(s) served;

2. Reside beyond approved walking distances;

3. Are present at authorized points for student pick-up at the designated time; and

4. Comply with division standards and regulations in their conduct and behavior.

STUDENT CONDUCT

The Board will require students to conduct themselves on the bus in a manner that will permit the safest possible transportation for all passengers. Illegal or improper behavior will be reported to the principal in writing by the bus driver. The principal will inform parents and request their assistance in correcting behavior. Students who continue causing problems on the bus will have their riding privileges suspended. In such cases parents are responsible for their safe transportation to and from school.

REGULATIONS FOR SCHOOL BUS DRIVERS

1. Students shall remain seated.
2. Students will not fight, or use obscene language.
3. Students will keep heads, hands, arms, etc. and belongings inside the bus.
4. Students will not eat, drink, smoke, or chew tobacco on the bus.
5. Students will not litter.
6. Vandals will pay for bus damage.
7. Students will be at loading places on time.
8. Students must use the same loading and unloading place unless they have a note from their parents cosigned by their principal.
9. Students must cross the street 10 to 15 feet in front of the school bus.
10. Students may only ride the bus that they are assigned by the Division Superintendent or his duly authorized agent.
11. Students are not permitted to cross a dual highway when loading or unloading from a school bus.
12. Students will not obstruct the aisle or exits with any objects.

WEAPONS IN SCHOOL
Policy JFCD

I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school- sponsored activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action.

A student who has possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07 or a firearm muffler or firearm silencer or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or at a school-sponsored activity may be expelled for at least one year in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.[5] Disciplinary proceedings for violation of this policy will be initiated promptly.

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, revolver, or other firearm listed in Va. Code § 22.1-277.07, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun,
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- spring sticks,
- brass or metal knuckles, blackjacks,
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain,
- any disc, of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in Va. Code § 22.1-277.07, or other dangerous articles.

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5 If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

Students with Disabilities

A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.

B. Additional authority to remove a student with a disability from school for a weapons violation.

1. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

2. For purposes of this forty-five (45) school day removal, the weapon must meet the following definition:

> "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length."

DRUGS IN SCHOOL
Policy JFCF

I. Generally

Possession of a controlled substance, imitation controlled substance or marijuana, as defined in Va. Code § 18.2-247, on school property or at a school-sponsored activity is prohibited.

A. Expulsion

A student who is determined to have brought a controlled substance, imitation controlled substance or marijuana onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.6

B. Prevention and Intervention

Any student who violates this policy shall participate in the prevention and intervention activities identified in Amherst County school division's drug and violence prevention plan.

The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student's parent consents.

C. Required Reporting to Parents and Local Law Enforcement

The Principal shall report a violation of this policy to parents and local law enforcement as required by Policy CLA Reporting Acts of Violence and Substance Abuse.

II. Students with Disabilities

A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.

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6 If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

B. Additional authority to remove a student with a disability from school for a drug violation.

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

2. For purposes of this forty-five (45) school day removal, "illegal drugs" and "controlled substance" are defined as follows:
    - Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c). Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Student Rights

Right to Freedom from Unreasonable Search and Seizure of Property
Policy JFG

SEARCH AND SEIZURE

A search involves an invasion of privacy. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the school division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission. 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 belongings, 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.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property. Searches may be conducted wherever the student is involved in a school-sponsored function.

PERSONAL SEARCHES

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school official whenever the official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation.

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be:

1. justified at its inception and
2. reasonably related in scope to the circumstances justifying the search.

An individual search is justified at its inception when a school official has reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

A personal search may include requiring a student to be scanned with a metal detector.

A pat down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present.
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Strip searches involve an extreme intrusion into the rights of a student and may only be conducted when an extremely serious situation exists requiring immediate action because of an imminent threat of death or great bodily injury to a person or persons7. If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or superintendent's designee, unless the health or safety of the student is endangered by the delay.

LOCKER AND DESK SEARCHES

Student lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant.

COMPUTER SEARCHES

School computers, software and internet access are school property. Students are only authorized to use school computers and other similar educational technology consistent with the educational mission of the school and in accordance with Policy IIBEA Acceptable Computer System Use. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

CONSENT SEARCHES

If a student gives a school official consent for a search the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of consent. Students should be told of their right to refuse to be searched, and students must not perceive himself at risk of punishment for refusing to grant permission for the search.

SEIZURE OF ILLEGAL MATERIALS

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

Right to Freedom from Corporal Punishment
Policy JGA

CORPORAL PUNISHMENT

No teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. This prohibition does not prohibit the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or 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;
- to prevent a student from inflicting physical harm on himself;
- for self-defense or the defense of others; or
- 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.

For the purposes of this policy, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. "Corporal punishment" does not include 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.

Discipline of Students with Disabilities
Policy JGDA

DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities, who violate the student code of conduct, or engage in conduct for which they may be disciplined, will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline.

I. Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern - Change in Placement

For the purpose of removing students with disabilities from their current educational placements, a change in placement occurs when:

(1) the removal is for more than 10 consecutive school days at a time; or

(2) there is a series of removals each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of:

(a) the length of each removal,

(b) the proximity of the removals,

(c) the total time the student is removed, and

(d) the child's behavior is substantially similar to the child's behavior in previous incidents.

If the disciplinary action will result in a change of placement for a student with a disability then that student's parents must be sent notice that same day of the recommendation for discipline and be provided with a copy of the procedural safeguards. The procedures outlined in Section IV must also be followed.

II. Short-Term Suspension

A short-term suspension is a suspension of 10 consecutive days or less at a time.

School authorities may remove a student with a disability from his or her current educational setting for up to 10 school days cumulative in a school year to the extent that such removal would be applied to students without disabilities and for additional short-term suspensions provided no pattern exists.

III. Functional Behavior Assessments and Behavior Intervention Plans

If the school administration, the parent, and the relevant Individualized Education Program (IEP) team members determine that a manifestation exists, the IEP team must:

- conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,

- if the student already has a FBA and BIP in place, review and modify the BIP, as necessary to address the behavior.

If a manifestation is found, the school division and the parent may agree to a change in placement when reviewing or modifying the BIP. Without this agreement, the student must return to the placement from which the student was removed.

IV. Educational Services While Disciplined

For the first 10 days of removal in a school year, the School Board is not required to provide educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed.

After the first 10 days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to:

1) continue to progress in the general curriculum, although in another setting, and
2) progress toward meeting the goals set out in the student's IEP.

The determination of educational services is made by the IEP team for discipline which constitutes a change in placement. For discipline which is not a change in placement, the determination is made by school personnel in consultation with the student's special education teacher.

V. Manifestation Determination

When a disciplinary action is proposed that will result in a change of placement, a manifestation determination review shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which consists of a local educational agency representative, the parent and relevant members of the IEP team (as determined by the parent and the school division).

The Manifestation Team may determine that the behavior of the student was not a manifestation of such child's disability only if the Team:

1) considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and
2) determines that:
   (a) the conduct in question was not caused by, or had a direct and substantial relationship to, the student's disability; and
   (b) the conduct in question was not the direct result of the school division's failure to implement the IEP.
   (c)

If a manifestation is found, the student cannot be disciplined beyond any permissible short term removal that may be available. A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. The student will remain in the interim alternative education setting pending the decision of the hearing officer or the expiration of a forty-five school day removal.

VI. Disciplinary Action for Behavior that is Determined Not to be a Manifestation

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to nondisabled students. Following a removal which constitutes a change in placement, the student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the discipline.

VII. Disciplinary Action and/or Alternative Placement for Behavior That Is Determined To Be a Manifestation

A student with a disability whose behavior is determined to be a manifestation of his or her disability may not be disciplined except to the extent a removal is otherwise permitted by law. The student may also be removed to a more restrictive placement by following change in placement procedures. The IEP team must conduct or review a FBA and/or BIP as provided in Section III.

VIII. Interim Alternative Educational Settings for Weapons and Drugs and Infliction of Serious Bodily Injury

Students with disabilities 1) who carry or possess a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or 3) who inflict serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local

educational agency may be disciplined pursuant to Policies JFCD, JFCF or JGDB and may be placed in an interim alternative educational setting for up to forty-five school days.
This option is available without regard to whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, a FBA, behavioral intervention services and modifications designed to address the behavior so it does not recur.

I. Change of Placement by Hearing Officer

In addition to the other options for removal, a hearing officer may order a change in the placement for a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such student is substantially likely to result in injury to the student or others. Additional forty-five (45) school day removals may be authorized by the hearing officer as necessary.

II. Placement During Appeals

Students with disabilities are entitled to the due process rights available to a non- disabled student. In addition, students with disabilities are entitled to the due process procedures available under the Individuals with Disabilities Education Act, as amended and any state procedures. During the course of any appeals, the student's placement shall be in accordance with the provisions of federal law unless the parent and the school division agree otherwise.

IX. Students Not Identified as Disabled

Students for whom the parents assert there is a disability but who have not yet been identified as disabled may be subjected to the same measures applied to students without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A school division will be found to have knowledge of the student's disability if before the behavior that precipitated the disciplinary action occurred:

(1) the parent expressed concern in writing to supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or

(2) the parent requested an evaluation of the student for special education eligibility through formal evaluation procedures; or

(3) the student's teacher or other school personnel had expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the school division.

A school division would not be found to have knowledge of a student's disability if:

(1) the parents refused to allow an evaluation of the student or refused special education services; or

(2) the student was evaluated and found not eligible for special education services.

If a request for an evaluation is made during the period such student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting, in compliance with the procedures for suspended and expelled students with disabilities. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities.

I. Disciplining Certain Section 504 Students Who Violate Alcohol and Drug Policies Students who are identified as disabled solely under Section 504 of the Rehabilitation Act, and who are currently engaging in the illegal use of drugs or alcohol, may be disciplined for violating the division's alcohol and drug policies to the same extent as non-disabled students. The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students.

Required Notices

Parental Responsibility
Excerpted from the *Code of Virginia*, as amended

§ 22.1-279.3. Parental responsibility and involvement requirements.

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.
Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

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

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

F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the Juvenile and Domestic Relations Court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:

1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or

2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed $500.

H. The civil penalties established pursuant to this section shall be enforceable in the Juvenile and Domestic Relations Court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

I. All references in this section to the Juvenile and Domestic Relations Court shall be also deemed to mean any successor in interest of such court.

Reporting Requirements
Excerpted from the *Code of Virginia* § 22.1-279.3:1

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving

(i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;

(ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;

(iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;

(iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;

(v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property;

(vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;

(vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or

(viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be

an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

Laws Regarding the Prosecution of Juveniles as Adults

The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults as referenced in section 22.1-279.4 of the *Code of Virginia*:

> 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. 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.

Should you have any questions or concerns, please feel free to contact your school administratoror a School Resource Officer.

Student Suspension/Expulsion Policy
Policy JGD/JGE

STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy,

"Alternative education program" shall include night school, adult education or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

"Destructive device" means (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; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one- half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

"Disruptive behavior" means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

"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.

"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 calendar days after the date of the expulsion.

"Firearm" means (1) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun as defined in this Policy.

"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 365 calendar days.

"One year" means 365 calendar days as required in federal regulations.

"Pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

"School Board Disciplinary Committee or Disciplinary Committee" means a committee composed of at least three members of the Amherst County School Board.

"School property" means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

"Superintendent's designee" means a 1) trained hearing officer or 2) professional employee in the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

Any student for whom the superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The superintendent or superintendent's designee reviews forthwith the action taken by the principal, assistant principal or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee may be appealed to the School Board Disciplinary Committee.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days includes notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, are borne by the parent of the student.

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the School Board Disciplinary Committee. The Disciplinary Committee may confirm or disapprove the suspension. If the Disciplinary Committee's decision is not unanimous, the pupil or his parent may appeal the Disciplinary Committee's decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for more than ten days includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative

education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension is borne by the parent of the student.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the School Board Disciplinary Committee in accordance with the regulations of the School Board.

The School Board Disciplinary Committee may confirm or disapprove the expulsion of a student. If the Committee's decision is not unanimous, the pupil or his parent may appeal the Committee's decision to the full School Board. Such appeal is decided by the School Board within 30 days.

The Committee confirms or disapproves of proposed expulsions regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his parent includes notification of the length of the expulsion and provides information concerning the availability of community-based educational, training, and intervention programs. The notice states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion is borne by the parent of the student.

Nothing in this Policy shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the School Board for the term of such expulsion.

If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice also advises the parent of such student that the student may petition the School Board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the Disciplinary Committee or the superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent or the Disciplinary Committee denies such petition, the student may petition the School Board for review of such denial.

B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below are 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
- other appropriate matters.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection precludes the School Board from considering any of the factors listed above as "special circumstances" for purposes of expulsions discussed in the following subsections.

Firearms

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this Policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this Policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances.
In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.[10] Nothing in this Policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this Policy do not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other
programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation controlled substance or marijuana as defined in Va. Code § 18.2-247 onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.[11] Nothing in this Policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Disciplinary Committee Hearing

The procedure for the Disciplinary Committee hearing is as follows:

- The Disciplinary Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the Disciplinary Committee.

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

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

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

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

- The Disciplinary Committee transmits its decision, including the reasons therefor, to the student, his parent(s), the principal and superintendent.

Following the decision of the Disciplinary Committee or upon expiration of the appeal period, the student's parent(s) or guardian is provided with written notice which includes the following:

- The terms or conditions of re-admission, if any;

- The duration of expulsion;

- A statement declaring whether the student is eligible to return to school or attend an appropriate alternative education program approved by the School Board or an adult education program offered by the division during or after the expulsion. If neither option applies, a statement that the student may petition the School Board for readmission after one calendar year from the date of his expulsion; and

- The availability of community-based educational, training and intervention programs.

The student or his parent(s) may appeal the Disciplinary Committee's decision to the full School Board only if the decision of the Disciplinary Committee is not unanimous. Otherwise the decision of the Disciplinary Committee is final.

The appeal to the full School Board must be in writing and must be filed with the superintendent within five (5) calendar days of the Committee's decision. Failure to file a written appeal within the specified time constitutes a waiver of the right to an appeal. The full School Board decides the appeal upon the record of the case within thirty (30) calendar days of the request for an appeal and communicates its decision in writing to the student and his parent,

guardian or other person having control or charge of the student. Such written notice includes any changes in: (1) the duration of the suspension or expulsion; (2) the availability of community-based educational, training, and intervention programs; and/or (3) eligibility to return to school or attend an alternative education program. No statements, witnesses or evidence may be presented at this appeal unless specifically requested by the Chairman of the Board.

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12 The number of days within which the appeal must be filed is a local decision to be determined by each School Board.

VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been

(1) 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, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G;
(2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or 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 pursuant to Va. Code § 16.1-260.G.;
(3) found to have committed a serious offense or repeated offenses in violation of School Board policies;
(4) suspended pursuant to Va. Code § 22.1-277.05; or
(5) 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 an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred.

The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school- sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

A principal or principal's designee may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

As used herein, "charged" means that a petition or warrant has been filed or is pending against a pupil.

VII. REPORTING

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports are made to the superintendent and to the principal or principal's designee on all incidents involving

(1) the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property or at a school-sponsored activity;
(2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described by Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity;
(3) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school- sponsored activity, including the theft or attempted theft of student prescription medications;
(4) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
(5) the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
(6) any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, as defined in Va. Code § 18.2-85, or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property or at a school sponsored activity;
(7) any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
(8) the arrest of any student for an incident occurring on a school bus, on school property or at a school-sponsored activity, including the charge therefor and
(9) any illegal possession of weapons, alcohol, drugs or tobacco products.

B. The superintendent and the principal or principal's designee may receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this Policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code § 16.1-260 reports such information to the principal of the school in which the juvenile is enrolled.

C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this Policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and superintendents accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this Policy.

D. The principal or principal's designee also notifies the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.

E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.

F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this Policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this Policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A of this Policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

G. For purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his or her regular school.

Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Amherst County Public Schools, in accordance with Policy

School Admission. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the Amherst County School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

No suspended student is 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 principal's designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent fails to comply with this Policy or Policy JEC School Admission, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or superintendent or superintendent's designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such exclusion.

I. DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

STUDENT SUSPENSION/EXPULSION

SUSPENSION

The following violations of the Code of Student Conduct and School Board policy are grounds for suspension:

- possession or use of alcohol, illegal drugs or drug paraphernalia
- selling drugs
- possession of a beeper (not required to notify police)
- assault/battery
- sexual assault
- arson
- intentional injury (bullying, fighting)
- theft
- bomb threats
- use or possession of explosives
- possession of weapons or firearms
- extortion, blackmail, or coercion
- false fire alarm
- driving without a license on school property
- homicide
- burglary
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation)
- malicious mischief
- shooting
- stabbing, cutting or wounding
- unlawful interference with school authorities
- unlawful intimidation of school authorities
- other unlawful acts including being an accessory to any of these or other unlawful acts
- smoking and/or possession or otherwise using tobacco/vape or tobacco/vape products
- fighting
- threatening (intentionally and knowingly) another student or school staff member with imminent bodily injury or verbal abuse
- profanity, obscene, or abusive language
- disobedience or defiance
- refusal to identify self to school personnel
- absenteeism, truancy (see attendance regulation)
- school parking or school driving violations
- defacing or destroying property (vandalism)
- inappropriate dress or appearance. Dress or appearance must not present health or safety problems or cause disruption
- trespass on school property or use of school facilities without proper authority or permission or during a period of suspension or expulsion
- failure to permit search of student's person, locker or automobile
- sexual harassment.

Grounds for Expulsion

The following violations of the Code of Student Conduct and School Board policy are grounds for expulsions:

- possession or use of alcohol, illegal drugs or drug paraphernalia
- selling drugs
- possession of a beeper (not required to notify police)
- assault/battery
- sexual assault
- arson
- intentional injury (bullying, fighting)
- theft
- bomb threats
- use or possession of explosives
- possession of weapons or firearms
- extortion, blackmail, or coercion
- false fire alarm
- driving without a license on school property
- homicide
- burglary
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation)
- malicious mischief
- shooting
- stabbing, cutting or wounding
- unlawful interference with school authorities
- unlawful intimidation of school authorities
- other unlawful acts including being an accessory to any of these or other unlawful acts
- smoking and/or possession or otherwise using tobacco or tobacco products
- fighting
- threatening (intentionally and knowingly) another student or school staff member with imminent bodily injury or verbal abuse
- profanity, obscene, or abusive language
- disobedience or defiance
- refusal to identify self to school personnel
- absenteeism, truancy (see attendance regulation)
- school parking or school driving violations
- defacing or destroying property (vandalism)
- inappropriate dress or appearance. Dress or appearance must not present health or safety problems or cause disruption
- trespass on school property or use of school facilities without proper authority or permission or during a period of suspension or expulsion
- failure to permit search of student's person, locker or automobile
- sexual harassment.