

**Southampton County Public Schools**  
***Student Conduct Policy Guidelines***  
**2008-2009 School Year**



## **TO SOUTHAMPTON COUNTY STUDENTS AND PARENTS**

The main reason for the publication of these guidelines is to assure students, parents, and other citizens of Southampton County that students will be able to abide in a safe and orderly environment when at school. To accomplish that aim, these guidelines and regulations are promulgated.

I have noted that the general conduct of students is excellent in this school division. This handbook outlines procedures, which will be followed in order to correct disruptions. I hope that all of you enjoy safe and wonderful years in the Southampton County Public Schools.

**Charles E. Turner**  
Division Superintendent

## **Southampton County Public Schools Mission Statement**

The mission of Southampton County Public Schools through the combined efforts of staff, students, families and the community is to ensure a quality education in a safe environment that will prepare students to be successful learners and productive citizens in an ever-changing society.

## Introduction

### Authority and Duties of School Boards

#### Standards of Quality

Section 22.1-253.13:7.D.3. of the *Code of Virginia* (part of the section of the Code known as the Standards of Quality) requires local school boards to maintain and follow an up-to-date policy manual that includes “standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.” Local school boards must give consideration to the views of teachers, parents, and other concerned citizens in the development of policies.

#### School Board Regulations

Section 22.1-78. of the *Code* authorizes local school boards to adopt bylaws and regulations “for its own government, for the management of its official business and for the supervision of schools, including but not limited to the proper discipline of students, including their conduct going to and returning from school.”

Section 22.1-279.6.B. of the *Code* requires local school boards to adopt and revise regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Virginia Board of Education. School boards are required to include procedures for suspension, expulsion, and exclusion decisions, to biennially review student conduct code guidelines, and to include prohibitions against hazing and profane or obscene language or conduct. School boards are authorized to regulate certain communications devices and, at their discretion, require or encourage drug testing.

Section 22.1-279.9. of the *Code* requires school boards, in cooperation with the local law enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, to develop programs to prevent violence and crime on school property and at school-sponsored events.

#### Removal, Suspension and Expulsion of Pupils

Section 22.1-276.2. of the *Code* gives teachers initial authority to remove a student from a class for disruptive behavior and requires all school boards to establish the criteria for teachers to remove disruptive students, requirements for reporting incidents of disruptive behavior, procedures for written notification to a student and the student’s parents, guidelines for alternative assignment and instruction of such students, and procedures for the return of students to class and teacher participation in the decision.

Section 22.1-277. of the *Code* authorizes the suspension or expulsion of pupils “for sufficient cause,” including acts off school property when the acts lead to an adjudication of delinquency, a conviction of certain offenses, or a charge that would be a felony if committed by an adult.

Authorization for short-term suspensions (10 school days or less) and procedures for suspension and for readmission are set forth in § 22.1-277.04. of the *Code*.

Authorization for long-term suspensions (more than 10 school days but less than 365 calendar days) and procedures for suspension and for readmission are set forth in §22.1-277.05. of the *Code*.

Authorization for expulsion and procedures for expulsion and for readmission are set forth in § 22.1-277.06. Recommendations for expulsion for other than weapons and drug offenses are required to be based on consideration of factors specified in the *Code*, including the nature and seriousness of the violation and the student's disciplinary history.

Section 22.1-277.07. of the *Code* requires school boards to expel students who bring a firearm or other destructive device (defined in the Section) onto school property or to a school-sponsored event in violation of the Gun-Free Schools Act of 1994. School boards are authorized to consider factors listed in § 22.1-277.06. in determining "special circumstances" in particular cases that would justify another disciplinary action.

Section 22.1-277.08. of the *Code* requires school boards to expel students who bring a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored event. School boards are authorized to consider factors listed in § 22.1- 277.06. in determining "special circumstances" in particular cases that would justify another disciplinary action.

#### Alternative Education Program

Section 22.1-277.2:1. of the *Code* authorizes school boards to require any student to attend an alternative education program under prescribed circumstances. Procedures to be followed when requiring an alternative education program are also prescribed. It should be noted that alternative education programs are authorized but not required by the *Code* to be established.

School boards may require any student who has been found in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity 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.

### **Legal Responsibilities of Others**

#### Role of the Principal and School Administration

The Virginia Standards of Accreditation (2000), Section 8 VAC 20-131-210.A., states that the principal "is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." Section B.2. specifies that the principal shall "ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment." Section

8 VAC 20-131-260.C.3., requires a school administration to ensure "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity."

#### Parental Responsibility

Section 22.1-279.3. of the *Code of Virginia* sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance. Procedures are set forth for notifying parents of their responsibilities, documenting the notification, and taking steps against parents for willful and unreasonable refusal to participate in efforts to improve their child's behavior or school attendance. Each parent of a student must sign a statement acknowledging the receipt of the school board's standards of student conduct and return it to the school.

#### Reports to Law Enforcement Agencies

Section 22.1-279.3:1.A. of the *Code of Virginia* lists certain offenses that school officials are required to report to local law-enforcement agencies. Additional information about this requirement and a list of reportable offenses are in these guidelines.

### **Statement of Purpose and Intent**

The development, implementation, and enforcement of the Student Conduct Policy is intended to ensure a safe, non-disruptive environment for effective teaching and learning. To that end, this policy sets forth those standards of behavior believed to be appropriate in the learning environment and informs all students, their parents, and the larger community of the consequences for violations of this policy.

### **Statement of Philosophy**

It is the School Board's legal responsibility to provide a fair access to an education for every child, and it is their responsibility to seek to ensure respect for the dignity of each child. A learning environment that encourages the healthy growth and development of each individual must be free from conflict, threats of conflict or danger, and undue disruption. To that end, this code of conduct seeks to direct student behavior based on clearly defined expectations, responsibilities, and consequences.

### **Statement of Policy**

For purposes of this document, policy includes general guidelines that focus attention on a certain issue, in this case, student conduct. This school division, directed and supported by school board authority, intends that all students have the opportunity to be educated in a safe, secure environment that is conducive to learning.

## **Roles and Responsibilities**

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 responsibility to issue standards of student conduct including a list of corrective disciplinary actions for violation of the standards. The school principal has 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.

## **Relationship to Existing Policies**

Various related policies, regulations, rules, and non-regulatory guidance served as relevant sources in the development of the student conduct policy guidelines. A list of these resources is available at the School Board Office for review.

## **Disciplinary Action: Criteria, Procedures, and Processes**

### **Teacher Removal of a Student From Class**

Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:

1. The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
2. The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
3. The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.
4. Written notice of the student's behavior and removal from class is given to the parent by the teacher.

### **Short-Term Suspensions**

A student may be suspended out-of-school for violations of the Code of Conduct. For out-of-school suspensions of 10 days or less, the school administrator shall inform the student of the specific violation and provide the student with opportunities to respond to the charges. The student may present the student's version of what occurred. When the school suspends a student, the school shall 1) notify the student of the right to appeal; 2) make a

reasonable effort to notify the student's parent of the suspension, inform the parent that a copy of the rules governing suspensions and the procedures for appeal are being sent home with the student, and make arrangements for the student's return home; and 3) send written notification to the parent informing the parent of the suspension, of its reason, the length of the suspension, the right to appeal, the student's right to return to school, and any conditions for that return.

### **Long-Term Suspensions**

A student may be suspended for more than 10 days following a hearing before a hearing officer designated by the superintendent. For certain offenses, a student may be suspended for the remainder of the semester or the school year. The discipline committee of the school board may confirm or disapprove the suspension of a student. If the decision of the three-member committee to uphold the suspension is unanimous, there is no right of appeal. If, however, the decision of the committee is not unanimous, the student and his/her parent/guardian may appeal the decision to the full board. When a student is placed on long-term suspension, written notice of the suspension shall be sent in accordance with state law.

### **Expulsions**

A student may be expelled only by action of the school board or a disciplinary committee of the school board based on the recommendation of the principal and the superintendent.

In the case of a recommendation for expulsion by the principal, the superintendent or his designee shall conduct a review of the recommendation. The review shall take into account the following factors:

1. The nature and seriousness of the violation
2. The degree of danger to the school community
3. The student's disciplinary history, including the seriousness and number of previous infractions
4. The appropriateness and availability of an alternative education placement or program
5. The student's age and grade level
6. The results of any mental health, substance abuse, or special education assessments
7. The student's attendance and academic records
8. Such other matters as deemed to be appropriate.

If the decision of the three-member committee to uphold the expulsion is unanimous, there is no right of appeal. If, however, the decision of the committee is not unanimous, the student and his/her parent or guardian may appeal the decision to the full board.

When a student is expelled, written notice of the expulsion shall be sent in accordance with state law. The superintendent or his designee shall establish a schedule by which pupils who have been expelled may apply and reapply for readmission to school.

### **Expulsions for Weapons-Related Offenses**

Any student determined to be in possession of or to have brought any prohibited weapon onto school property or to a school-sponsored activity shall be expelled for a period of not less than one year (365 days). However, the school board may determine, based on the facts of a particular case, that special circumstances exist and another disciplinary action or term of expulsion is appropriate. The division superintendent may conduct a review in such cases to determine whether a disciplinary action other than expulsion is appropriate, and recommend that action to the school board for final determination.

### **Expulsions for Drug-Related Offenses**

Any student determined to have distributed or manufactured a controlled substance including anabolic steroids or prescription drugs, an imitation controlled drug, or other prohibited substance on school property or at a school-sponsored activity shall be expelled for a period of not less than one year. However, the school board may determine, based on the facts of a particular case, that special circumstances exist and another disciplinary action or term of expulsion is appropriate. The division superintendent may conduct a review in such cases to determine whether a disciplinary action other than expulsion is appropriate, and recommend that action to the school board for final determination.

### **Suspensions or Expulsions of Students with Disabilities**

See Appendix A.

### **Admission of Students Suspended or Expelled From Another School Division or a Private School**

A student who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance for no more than one calendar year in the case of expulsion or withdrawal of admission, and in the case of suspension of more than 30 days, for not longer than the duration of such suspension. The school shall provide written notice to the student and his or her parent of the reasons for such possible exclusion and of the right to a hearing conducted by the division superintendent. The student may not attend school until a review of the case is conducted by the division superintendent. Exclusion shall be imposed upon a finding that the student presents a danger to the other students or staff members of the school division. The decision to exclude the student shall be final unless altered by the school board after timely written petition. Upon the expiration of the exclusion, the student may petition the division superintendent for admission.



## **Review and Revision of Student Conduct Policy Guidelines**

An annual evaluation of the Standards of Student Conduct will be conducted within a month of the close of school. Revision, if necessary, will be completed prior to the opening of the next school year.

## **Distribution of Student Conduct Policy Guidelines**

A copy of the Standards of Student Conduct will be issued to all students within one month of the opening of school. All transfer students will be issued a copy of the Standards as a part of the registration process. Principals will stress to all students that compliance with the Standards is mandatory. The “Acknowledgment of Parent Responsibility” form must be signed by the parent or guardian and returned to the school.

Each year, during the first week of school, all students will be provided a period of instruction on the contents of the Standards of Student Conduct. This instruction will be followed by an assessment appropriate to the student’s grade level.

## **Standards of Student Conduct**

Standards of student conduct apply to all students under the jurisdiction of a school board. Disciplinary action will be determined based on the facts of each incident in the reasonable discretion of the school board and other appropriate school officials.

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

- in school or on school property
- on a school vehicle
- while participating in or attending any school sponsored activity or trip
- on the way to and from school (including bus stop) and
- off school property, when the acts lead to (1) an adjudication of delinquency or a conviction for an offense listed in § 16.1-305.1. of the *Code of Virginia* (unlawful purchase, possession or use of a weapon, homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana, arson, and related crimes, and burglary and related offenses), criminal street gang activity or recruitment for such activity, or (2) a charge that would be a felony if committed by an adult.

## **Range of Corrective Disciplinary Actions**

The options and alternatives for corrective disciplinary action may range from admonition to mandatory expulsion, and may include but not be limited to the following:

- Admonition and counseling
- Parent/pupil conference
- Modification of student classroom assignment or schedule
- Student behavior contract

- Referral to student support services
- After-school or in-school detention
- Suspension of student privileges for a specified period
- Removal from class
- Initiation of child study process
- Referral to in-school intervention, mediation, or community service programs
- Short-term suspension
- Long-term suspension
- Recommendation for expulsion
- Mandatory expulsion

### **Differentiation of Sanctions by Grade Level**

Options for corrective disciplinary action for misconduct may be differentiated by grade level.

### **Other Disciplinary Consequences**

The school board allows a student who has been suspended to complete academic assignments during the period of suspension in accordance with conditions established by the school board. School board policy may provide for ongoing consequences after a student returns to school following suspension or expulsion including, but not limited to, probationary status requiring satisfactory performance and conduct, limitations of privileges, community service, or restitution.

### **Offenses**

Alcohol and Drugs - A student may not possess, use, or distribute alcohol, tobacco and/or tobacco products, and other drugs on school grounds, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look-alike drugs, drug paraphernalia, and any drug not prescribed for the student by a physician. Any student who possesses or uses prohibited substances may participate in prevention and intervention activities deemed appropriate by the superintendent.

Assault - The following violations shall result in disciplinary action and may require mandatory sanctions:

1. Threatening or physically assaulting another student or another person (other than a staff member) who has reason to be at school, whether or not causing injury, shall result in disciplinary measures up to and including a 10-day suspension and a recommendation for expulsion.
2. Physically assaulting a school staff member shall result in suspension from school for up to 10 days, and the principal may recommend expulsion. In the event of injury to the staff member, expulsion shall be recommended.

Attendance - Student attendance is a cooperative effort; schools shall involve parents and students in accepting responsibility for regular attendance. Each parent or guardian of a child within the compulsory school attendance age shall be responsible for the child's regular and punctual attendance at school as required by law. Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with school board regulation.

Bomb Threat - Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices, or hoax explosive devices, or chemical bombs as defined in the *Code of Virginia*. Moreover, students shall not make any threats or false threats to bomb other students, school personnel or property.

Bullying - Students, either individually or as part of a group, shall not harass or bully others. The following conduct is illustrative of bullying:

- Physical intimidation, taunting, name calling, and insults
- Comments regarding the race, gender, religion, physical abilities or characteristics of associates of the targeted person
- Falsifying statements about other persons

Bus-Related Offenses - Students are required to conduct themselves on school buses in a manner consistent with established standards for classroom behavior. Students who become disciplinary problems on school buses shall be reported to the principal by the driver and may have their riding privileges suspended or revoked. Students are also subject to the same disciplinary action as would be prescribed had the behavior occurred at school (see Appendix C).

Cheating - Students are expected to perform honestly on any assigned schoolwork or tests. The following actions are prohibited:

- Cheating on a test or assigned work by giving, receiving, offering, and/or soliciting information
- Plagiarizing by copying the language, structure, idea, and/or thoughts of another
- Falsifying statements on any assigned schoolwork, tests, or other school documents

Communication Devices – The following policy has been adopted by the school board with regard to communication devices, particularly cell phones:

- Elementary Schools - Students are prohibited from bringing cell phones/beepers to school. (The principal may approve exceptions.)
- Middle School - Students that are involved in after-school activities will be allowed to bring a cell phone/beeper and store it in their locker. Use of the cell phone/beeper during the school day is not permitted. A signed parent/guardian permission slip must be on file in the office. (The principal may approve exceptions.) A cell phone/beeper being used during the day will be confiscated and kept in the office until a parent/guardian can pick it up. Students may be disciplined if cell phone/beeper use disrupts the school environment.

- High School - Cell phones/beepers may not be utilized during the school day. (The principal may approve exceptions.) A cell phone/beeper being used during the day will be confiscated and kept in the office until a parent/guardian can pick it up. Students may be disciplined if cell phone/beeper use disrupts the school environment.

Students are not permitted to possess laser pointers.

Disruptive Behavior - Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance within the school setting or during related activities, which interrupts or interferes with teaching and orderly conduct of school activities, is prohibited.

Dress Standard - All students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, or obscene, or clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia, or clothing that contains threats such as gang symbols is prohibited.

Clothing should fit, be neat and clean, and conform to standards of safety, good taste, and decency. Clothing that exposes cleavage, private parts, the midriff, or undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, clothing constructed of see-through materials, and head coverings unless required for religious or medical purposes.

Additionally, disciplinary action will be taken against any student taking part in gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior.

Parents of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal. Students not complying with this code will be asked to cover the noncomplying clothing, change clothes, or go home. Repeated infractions will result in disciplinary action.

Extortion - No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

Fighting - Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury is prohibited.

Gambling - A student shall not bet money or other things of value, or knowingly play or participate in any game involving a bet on school property or during any school-sponsored activity.

Gang-Related Activity - Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students).

Hazing - No student shall engage in hazing. Hazing means to recklessly and intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for, continued membership in a club, organization, association, fraternity, sorority, or student body, regardless of whether the student or students so endangered or injured participated voluntarily in the activity.

Hazing is a Class 1 misdemeanor, which may be punished by confinement in jail for up to 12 months and a fine of up to \$2500, or both, in addition to any disciplinary consequences, which may be imposed. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or minors.

The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

Internet Use - Internet use by students shall be in accordance with acceptable computer use policies and regulations. Violations of policy will result in a suspension of access privileges.

Profane or Obscene Language or Conduct - Students shall not use vulgar, profane, or obscene language, or gestures, or engage in conduct that is vulgar, profane, or obscene, or disrupts the teaching and learning environment.

Property Offenses - The following violations shall result in disciplinary action at the discretion of the principal and may require a report to local law enforcement authorities:

- Willful causing or attempting to cause damage to school property
- Theft of, taking, or trying to take another person's property or money by force, fear, or other means
- Vandalism, arson, or any threat or false threat to bomb, burn, damage, or destroy in any manner a school building or school property

A student (or the student's parent) shall be required to reimburse the school board for any actual loss of, breakage or, destruction of, or failure to return property owned by or under the control of the school board caused or committed by such student.

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

Stalking - Students shall not engage in a pattern of behavior that places another person in fear of serious harm.

Threats; Intimidation - Students shall not make any verbal or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason. This includes any threats made in writing, or verbally, and toward or about any person.

Trespassing - A student shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion. All visitors to a school or its grounds shall report to the main office immediately. Persons who fail to do so may be considered trespassers and subject to legal action, and student visitors who fail to do so also may be subject to disciplinary action as well as legal action. Any person whose presence or action interferes with or disrupts the operation of the school, its students, or school activities shall be prohibited from entering school or remaining on school property or remaining at a school-sponsored activity, wherever located.

Weapons - Students shall not have in their possession any type of unauthorized firearm or other article, which may be used as a weapon.

Student conduct policy on weapons should address the possession, use, sale or purchase of restricted items on school property, on school vehicles, or during school sponsored activities on or off school property. This includes, but may not be limited to, any firearm or weapon. The school board prohibits the possession of unloaded weapons by students on their persons or in their lockers, backpacks, or vehicles.

Weapons for which mandatory expulsion is required include those enumerated in *Virginia Code* § 18.2-308.1., in the federal Gun-Free Schools Act, and in *Virginia Code* § 22.1-277.01.D.

In accordance with § 22.1-277.01 of the *Code*, the expulsion shall be for no less than 365 days. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

Carrying, bringing, using, or possessing dangerous instruments in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity on or off school property is grounds for disciplinary action. Examples of dangerous instruments include knives with blades less than three inches, letter openers, screwdrivers, hammers, hatchets, and other devices that could be used to inflict harm upon another person.

Other Conduct - In addition to those specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise in violation of federal, state, or local law.

### **Reporting of Certain Offenses**

§ 22.1-279.3:1.D. of the *Code of Virginia* requires that principals immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of §22.1-279.3:1.A. that may constitute a criminal offense. A principal may report to the local law-enforcement agency any incident described in clause (i) of subsection A. When there is injury, or the battery is against school personnel, reporting is mandatory.

§ 22.1-279.3:1.A. of the *Code of Virginia* lists offenses as follows:

- 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 which that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described § 18.2-60.3, in 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 therefore.

The principal or designee must also notify the parent of any student involved in the incidents listed above, as well as incidents committed by students enrolled at the school if the offense would be a felony if committed by an adult, regardless of where the offense is committed, or would be a violation of the Drug Control Act if it occurs on a school bus, school property, or at a school sponsored activity [§ 22.1-279.3:1(B) and (C)]. Section 22.1-279.3:1.D. requires that principals notify parents 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.

Whenever a student commits a reportable incident named in the *Code*, the student shall be required to participate in prevention and intervention activities as determined appropriate by the superintendent or designee (§ 22.1-279.3:1(C)).

## **APPENDIX A**

### **Considerations for 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, and
  - (c) the total time the student is removed.

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.

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 non-disabled 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. 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.

## IX. 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.

## X. 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.

## XI. 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.

## XII. 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.

### DISCIPLINE OF STUDENTS WITH DISABILITIES FOR INFLICTION OF SERIOUS BODILY INJURY

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 has inflicted 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. This option is available regardless of whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined.

## **APPENDIX B ADMINISTERING MEDICINES TO STUDENTS**

### **Prescription Medications**

Southampton County Public School personnel may give prescription medication to students only- pursuant to the written order of a physician or nurse practitioner and with written permission from the student's parent or guardian. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent/guardian of the student.

### **Nonprescription Medications**

Southampton County Public School personnel may give nonprescription medication to students only with the written permission of the parent or guardian. Such permission shall include the name of the medication, the required dosage of the medication, and the time the medicine is to be given. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent/guardian of the student.

### **Self-Administration of Medication**

Self-administration of any medication with the exception of asthma medication and auto-injectable epinephrine, as discussed below, is prohibited for students in grades kindergarten through eight.

Students in grades nine through twelve may be allowed to possess and self-administer non-prescription medicine if:

- written parental permission for self-administration of specific non-prescription medication is on file with the school;
- the non-prescription medication is in the original container and appropriately labeled with the manufacturer's directions;
- the student's name is affixed to the container; and
- the student possesses only the amount of non-prescription medicine needed for one school day/activity.

Sharing, borrowing, distributing, manufacturing or selling any medication is prohibited. Permission to self-administer non-prescription medication may be revoked if the student violates this policy and the student may be subject to disciplinary action in accordance with the Standards of Student Conduct.

## **APPENDIX C**

### **BUS TRANSPORTATION GUIDELINES**

Southampton County Public Schools is committed to providing a safe bus transportation system. To that end, these rules and regulations are provided to you and your child to assist us in maintaining safe school buses. Please be reminded that riding the school bus is a **privilege**.

#### **MEETING THE BUS**

- If the student must cross the street to board the bus, cross only in front of the bus, NEVER BEHIND IT. The driver will flash the red signal light prior to the bus coming to a complete stop. Students should not cross until they have been directed to do so by the BUS DRIVER and they have checked to make sure all traffic has stopped. Students should be aware the driver must see them at all times when near the bus. WALK, NEVER RUN to the bus.
- Stand on the edge of your roadway away from traffic lanes and not run on the property of neighbors. Respect their property rights.
- Always walk on the left when facing the bus stop.
- Be at the bus stop five minutes before the regular pick up time. The driver is not permitted to wait for late students.
- Never push or shove fellow students when loading the bus.
- Parents are requested to accompany their young children to and from the bus stop.

#### **CONDUCT ON THE BUS**

While on the bus, pupils:

- must take seat without crowding or pushing and remain seated while the bus is in motion.
- must not extend arms, legs, or head out of the bus or windows.
- must not talk to driver while bus is in motion except in an emergency; must not tamper with doors or other bus or other bus equipment.
- must not fight scuffle, or throw objects from the windows.
- must not place books in the aisles of the bus.
- must not engage in unnecessarily loud talking or laughter on the bus.
- must not use profane or indecent language.
- must not use tobacco of any kind of the bus.
- must obey driver promptly.
- must use the same bus regularly.

## **LEAVING THE BUS**

- Remain seated until the bus comes to a full stop.
- Leave the bus in an orderly manner, allowing pupils in front seats off first.
- After leaving, move quickly away from the bus stop to safe location.
- Leave bus at regular stop unless requested in writing by parent for a different stop and approved by the principal of the school.
- If pupil has to cross the highway, do so only in front of the bus and after the driver has signaled that is safe to cross.
- Throwing an object of any type at the school bus is not permitted.

## **OTHER CONSIDERATIONS**

- Additional bus stop locations cannot be established without permission from transportation.
- All bus and school rules apply to the bus stop.
- Please note that bus riding is a privilege and may be revoked for any length of time or permanently if deemed appropriate.
- Parents and students will be required to sign a Bus Conduct Form, which will outline these rules. Failure to return this form could result in the student's bus riding privileges being revoked until the form is returned.
- Please be reminded that all school rules outlined in the Code of Conduct apply to the bus.

The Southampton County School Board does not discriminate on the basis of race, color, sex, age, religion, disability, national origin, or marital status in employment or any of its programs or activities. The Compliance Officer for Southampton County Public Schools for the above statutes is the Executive Director of Administration and Personnel, Dr. Wayne K. Smith, P.O. Box 96, 21308 Plank Rd., Courtland, VA 23837, 757-653-2692, Fax 757-653-9422