

# Colonial Beach Public Schools

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## Student Code of Conduct

2023-2024

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## 2023-2024 Colonial Beach Public Schools Student Code of Conduct

July 1, 2023

Dear Colonial Beach Public Schools Families,

Welcome to the start of the new school year! As we embark on another academic year at Colonial Beach Public Schools (CBPS), I would like to take this opportunity to remind you of the importance of our code of conduct and the role it plays in fostering a respectful and inclusive school community.

At CBPS, we strive to create a safe and supportive learning environment that enables each and every one of you to reach your full potential. Our code of conduct is designed to provide guidance and set clear expectations for behavior, promoting the values of respect, responsibility, and integrity. It also provides clear expectations when students are not meeting expectations.

As members of this vibrant school community, it is crucial that we all adhere to the principles outlined in the code of conduct. By doing so, we contribute to an atmosphere that encourages learning, personal growth, and the celebration of our diverse backgrounds.

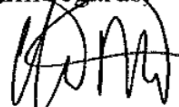
In the coming weeks, your teachers and administrators will review the code of conduct with you to address any questions or concerns you may have. It is essential that you familiarize yourself with its contents and actively participate in discussions related to promoting a healthy and inclusive school environment.

As Superintendent, I am committed to working alongside you, our dedicated staff, and families to ensure that CBPS remains a place where all students can thrive academically, socially, and emotionally.

Let us begin this academic year with a renewed dedication to our code of conduct and a shared commitment to creating an exceptional educational experience for every member of our school community.

Wishing you a successful and rewarding year ahead!

Warm regards,



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Dr. Clint M. Mitchell  
Division Superintendent

*Colonial Beach Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.*

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# **Colonial Beach Public Schools**

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Mrs. Michelle Coates-----Elementary School Principal

Mrs. Megan Sasser-----Elementary School Parent

Mrs. Amanda Mitchell-----High School Parent

Adrian Sanchez-----High School Student

## **Colonial Beach Public Schools**

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## **Preface**

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

This Code of Student Conduct applies to all CBPS students. It is enforced when they are:

- On school property.
- Traveling to school or from school.
- Traveling to, at, and from bus stops.
- In school vehicles.
- In attendance at school or at any school-sponsored activity.

This Code also applies to a student's conduct that interferes with the school system's orderly operation or the safety/welfare of students, employees, or volunteers. Students who observe or are subjected to inappropriate actions as described in this Code are expected to report such incidents to their school administration or faculty & staff. In addition, all students must report to a school staff member any information concerning threats or disruptions involving the safety of students, staff, or the school environment.

The School Board of CBPS complies with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Improvement Act of 1990, and the Individuals with Disabilities Education Act. The School Board does not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in any of its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The Superintendent of Schools, his/her designee, or the Executive Director of Accountability and Operations, Dr. Felix Addo is responsible for the coordination of compliance with these provisions.

## **Section I - ROLES**

### **Role of Students**

Students' rights include, but are not limited to:

- Attending school where your parent or legal guardian lives and receiving a free and appropriate public education.
- Expecting that your school will be a safe and orderly place that is focused on providing equitable educational opportunities.
- Being respected and treated courteously and fairly by other students and school staff.
- Expressing your ideas verbally and/or in writing in accordance with CBPS policies and procedures.
- Dressing in a way that expresses your personality while following the CBPS dress code.
- Having appropriate opportunities to participate in school activities.
- Having access to relevant information concerning drug and alcohol abuse.
- Learning in an environment free from intimidation, harassment, or discrimination by employees or students on school property or at a school-sponsored event, function, or activity.

Students' responsibilities include, but are not limited to:

- Attending school daily, regularly, and on time, performing to the best of your ability, being prepared to learn, and taking advantage of educational opportunities.
- Being aware of all expectations regulating behavior and conducting yourself in accordance with these guidelines.
- Expressing opinions and ideas, as well as, treating everyone in the school community with respect in accordance with CBPS policies and procedures.
- Dressing appropriately in accordance with the school division's dress code.
- Seeking information and services that can help you with personal problems.
- Helping create a school environment that is free from intimidation, harassment, or discrimination.
- Reporting and encouraging others to report any incidents of intimidation, harassment, or discrimination.
- Reporting students who make threats to harm others (If you see something, Say something).
- Practicing inclusion and embracing our differences.
- Reporting security concerns (unlocked door, etc.).

### Character Traits

Character education is the deliberate effort to help people understand, care about, and act upon core ethical values. An intentional and comprehensive character education initiative provides lens through which every aspect of school becomes an opportunity for character development.

Benefits:

- It promotes character development through the exploration of ethical issues across the curriculum.

- It develops a positive and moral climate by engaging the participation of students, teachers, and staff, parents and communities.
- It teaches students how to solve conflicts fairly, creating a safer school that is free of intimidation, fear and violence, and more conducive to learning.

### **Role of Parents and Guardians**

#### Parents'/Guardians' rights include, but are not limited to:

- Being actively involved in their children's education.
- Being treated courteously, fairly and respectfully by all CBPS employees.
- Receiving information about the policies and procedures of the CBPS, School Board, that relate to your children's education.
- Receiving regular reports (written or oral) from school staff regarding your children's academic progress or behavior, including but not limited to report cards, behavior progress reports, and conferences.
- Receiving information and prompt notification of inappropriate or disruptive behaviors by your children and any disciplinary actions taken by administrators or school staff.
- Receiving information about due process procedures for disciplinary matters concerning your children, including information on conferences and appeals.
- Receiving information from school staff about ways to improve your children's academic or behavioral progress.
- Receiving information about services for students with disabilities and English language learners, when applicable.

#### Parents/Guardians' responsibilities include, but are not limited to:

- Having children regularly attend school on time, and communicating reasons for absences and tardiness. (See Policy JED-R in the Appendix)
- Volunteer at your child's school to support successful activities/events.
- Informing CBPS staff about any concerns and/or complaints in a respectful and timely manner. We encourage you to make an appointment for a conference to speak with your child's teachers.
- Working with school administrators and teachers to address any academic or behavioral problems your children may experience.
- Supporting CBPS by communicating with your children about acceptable and expected school behavior.
- Becoming familiar with and complying with the policies of the CBPS, School Board, administrative regulations, and the Code of Student Conduct.
- Providing and maintaining updated student records to the CBPS registrar and your children's individual schools.

- Supporting student completion of homework and participation in offered academic support programs.
- Being respectful and courteous to staff, other parents, guardians and students at all times.

### **Role of Teachers and Staff Members**

Teachers and staff members are responsible for building strong learning communities within our school.

CBPS teachers and staff members are expected to:

- Review and positively reinforce the Student Code of Conduct
- Intervene to prevent and correct misbehavior in a positive manner
- Develop and promote a positive school climate that is conducive to learning
- Participate in school-wide efforts to provide adequate supervision in all school spaces
- Be respectful and courteous to students, parents, and guardians
- Communicate regularly with parents/guardians about student progress
- Consult with school counselors, administrators, and other student support personnel for further intervention or when a situation warrants such action.

### **Role of School Administrators**

Administrators have the responsibility and authority to teach and reinforce school rules and to enforce this Code of Conduct in a fair and consistent manner, including:

- Provide clear expectations to staff, students, and families
- Support school staff to foster and maintain a positive school climate
- Create an environment where positive behaviors are expected, taught, and modeled
- Address undesirable behaviors through a variety of interventions
- Exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered
- Communicate with parents/guardians of any student who violates the CBPS Code of Conduct when the violation could result in the student's suspension
- Identify appropriate training/resources needed to improve challenging behaviors

### **Role of Community Partners**

Community partners play an important role in supporting student adherence to the CBPS Code of Conduct by addressing several fundamental needs. CBPS has strategic partnerships with various organizations within the town of Colonial Beach and within Westmoreland County to provide additional support for students that addresses their physical, social, emotional, and mental health. Therefore, community partners are responsible for providing agreed-upon services and support to students in order to assist them in adhering to the Student Code of Conduct and to enhance their academic achievement.

## **SECTION II – RULES OF CONDUCT, INTERVENTIONS, AND DISCIPLINARY PROCEDURES**

Positive approaches to student discipline and collaboration between parents, teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship.



Colonial Beach Public Schools (CBPS) is committed to working with parents and utilizes school-wide systems to teach, model, and reinforce positive conduct. When students do not demonstrate expected conduct, or engage in misconduct that creates a disturbance in the learning environment, or unsafe conditions for others in the school, a range of interventions and consequences are utilized. Under the law, certain misconduct is expressly prohibited on school property, buses, and during school-sponsored activities and may result in prescribed consequences. Other misconduct may result in interventions and/or disciplinary consequences determined by the principal, taking into consideration all relevant factors.

Administrators consider many factors when determining appropriate responses to student behavior, including, but not limited to, the student's age and past response to interventions. Administrative responses and interventions are designed to understand and address student behavior, re-teach and reinforce school and classroom expectations for appropriate behavior, and prevent further behavioral issues.

The following levels of administrative responses are paired with tiered social-emotional, behavioral, and academic supports provided by other school personnel and in collaboration with the student's family.

The following administrative responses to student behavior are provided as a guide for administrators.

### **Supports and Responses**

These interventions and responses at this level are designed to help improve student behavior in the classroom and/or school. If these interventions are successfully implemented, a referral to the school administration may not be necessary. These responses are intended to prevent further behavior issues while keeping the student in school.

### **Level 1 Administrative Responses**

#### **Level 1 Instructional Supports**

- Class work provided
- Other Instructional Programs

#### **Level 1 Behavioral Supports**

- Reteaching or modeling of desired behavior
- Recognize/reward appropriate behavior
- Administrator/student conference and/or Administrator/student/teacher conference
- Written reflection or letter of apology
- Peer Mediation or Conflict Resolution
- Restitution
- Referral to School Counselor
- Seat change
- Parent contacted by teacher
- Confiscation by the teacher or administration
- Administration/Teacher/Parent/Guardian conference
- Schedule change or class change
- Parent contact
- Participation in Restorative Practices

## Other behavioral support intervention

### **Level 1 Sanctions**

- Detention during the school day with school work provided (Teacher or administrator assigned)
- Warning
- Class removal or In-School Suspension (ISS) for no more than 2 days
- Detention sanction outside of regular school hours
- Loss of school privileges or participation in extracurricular activities
- Suspension of bus riding privileges
- Other school sanction

### **Level 2 Administrative Responses**

#### **Level 2 Instructional Supports**

- Alternative hours of attendance
- Classwork provided
- Other instructional programs

#### **Level 2 Behavioral Supports**

- Student conference
- Administrator/teacher/counselor/student conference (includes reteaching of expected behavior)
- Administrator/Teacher/Parent/Guardian conference
- Check-in/Check-out
- Mediation or conflict resolution
- Referral to School Counselor
- Schedule or room change
- Restitution
- Confiscation
- Schedule change or class change
- Parent contact
- Participation in Restorative Practices
- Other behavioral support intervention
- Parent involvement in support planning
- Referral to school-based support services provider
- Referral to Individualized Education Program (IEP) Team and/or Manifestation Determination Review (MDR)
- Referral to multi-disciplinary intervention team
- Referral to an outside support agency

## **Level 2 Sanctions**

- Detention during the school day (Administrator assigned)
- Class removal or ISS up to 3 days
- Short-term suspension without instructional services
- Detention outside of regular school hours
- School-based community service assigned
- Loss of school privileges or participation in extracurricular activities
- Suspension of bus riding privileges
- Other school sanction

## **Level 3 Administrative Responses**

### **Level 3 Instructional Supports**

- Alternative hours of attendance
- Classwork provided
- Other instructional programs
- Alternative Program

### **Level 3 Behavioral Supports**

- Administrator/Teacher/Parent/Guardian Conference
- Referral to School Counselor
- Restitution
- Behavior contract (developed with and signed by the student, parent/guardian, and school official)
- Referral to law enforcement where required
- Schedule change or class change
- Parent contact
- Participation in Restorative Practices
- Other behavioral support intervention
- Parent involvement in support planning
- Referral to school-based support services provider
- Referral to multi-disciplinary intervention team
- Referral to an outside support agency
- Referral to IEP Team and/or MDR
- Functional Behavior Assessment
- Behavior Intervention Plan
- Referral to Threat Assessment Team (as needed)

### **Level 3 Sanctions**

*ISS of 3 to 5 days; Short Term Suspension for 1-3 days for PreK-3 and 1-5 days for grades 4-12*

- Referral to the alternative education program
- Short-term suspension without instructional services
- In-school suspension
- School-based community service assigned
- Loss of school privileges or participation in extracurricular activities
- Suspension of bus riding privileges
- Other school sanction

### **Level 4 Administrative Sanctions**

#### **Level 4 Instructional Supports**

- Classwork provided
- Alternative Program
- Alternative Hours of Attendance
- Virtual Learning Programs
- Home-based Education
- Permanent Change in Placement for Students with Disabilities (per IEP)
- Other instructional programs

#### **Level 4 Behavioral Supports**

- Referral to law enforcement as required
- Parent/Administrator/Teacher/Student behavior contract
- Long-term revocation of privileges
- Restitution via written contract
- Schedule change or class change
- Parent contact
- Participation in Restorative Practices
- Parent involvement in support planning
- Referral to school-based support services provider
- Referral to multi-disciplinary intervention team
- Referral to an outside support agency
- Referral to IEP Team and/or MDR
- Functional Behavior Assessment
- Behavior Intervention Plan
- Referral to Threat Assessment Team (as needed)
- Other behavioral support intervention

#### **Level 4 Sanctions**

*Short-term suspension of 1-3 days for Prek-3; 4-10 days for grades 6-12 or Long Term Suspension for 11-45 days per local policy.*

- Short-term suspension with instructional services
- Short-term suspension without instructional services
- School-based community service assigned
- Loss of school privileges or participation in extracurricular activities
- Suspension of bus riding privileges
- Long-term suspension with instructional services
- Long-term suspension without instructional services
- Other school sanction
- Refer to Superintendent for further consequences

#### **Level 5 Administrative Responses**

##### **Level 5 Instructional Supports**

- Permanent change in placement for students with disabilities (per IEP)
- Home-based education
- Virtual learning programs
- Alternative program
- Alternative hours of attendance
- Other instructional programs

##### **Level 5 Behavioral Supports**

- Referral to law enforcement as required
- Referral to Superintendent or designee
- Return the student to the school setting with appropriate support and interventions
- Parent contact within 24 hours of the incident
- Participation in Restorative Practices
- Parent involvement in support planning
- Referral to school-based support services provider
- Referral to multi-disciplinary intervention team
- Referral to an outside support agency
- Referral to IEP Team and/or MDR
- Functional Behavior Assessment
- Behavior Intervention Plan
- Referral to Threat Assessment Team (as needed)
- Other behavioral support intervention



## **Level 5 Sanctions**



- Refer to Superintendent for further consequences (Long term suspension, Expulsion)
- School-based community service assigned
- Loss of school privileges or participation in extracurricular activities
- Suspension of bus riding privileges
- Long-term suspension with instructional services
- Long-term suspension without instructional services
- Expulsion with Instructional Services
- Expulsion without Instructional Services
- Other school sanction

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


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


## Colonial Beach Public Schools Leveled Responses to Student Behaviors

SBAR Code	Category A: Behaviors that impede the Academic Progress (BAP) of the student and/or other students.		Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement
BAP1	Interfering with learning in the classroom (examples include talking, excessive noise, off-task, out of seat, possessing items that distract).	Elementary	X	X				
		Secondary	X	X				
BAP2	Interfering with learning outside of the classroom (examples include excessive noise, interrupting a class).	Elementary	X	X				
		Secondary	X	X				
BAP3	Scholastic dishonesty (such as cheating, plagiarism).	Elementary	X	X				
		Secondary	X	X				
BAP4	Unexcused tardiness to class.	Elementary	X	X				
		Secondary	X	X				
BAP5	Unexcused tardiness to school.	Elementary	X	X				
		Secondary	X	X				
SBAR Code	Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures.		Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement
BSO1	Altering an official document or record	Elementary	X	X				
		Secondary	X	X				
BSO2	Giving false information, misrepresentation	Elementary	X	X	X			
		Secondary	X	X	X			
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	Elementary	X	X	X			
		Secondary	X	X	X	X		
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school).	Elementary	X	X	X			
		Secondary	X	X	X			
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building.	Elementary	X	X	X			
		Secondary	X	X	X			
BSO7	Dress Code Violation	Elementary	X	X				
		Secondary	X	X				
BSO8	Gambling (games of chance for money or profit).	Elementary	X	X				
		Secondary	X	X				
BSO9	Possessing items that are inappropriate for school (examples include toys, literature, electronics).	Elementary	X	X				
		Secondary						
BSO10	Possession of stolen items.	Elementary						
		Secondary						
BSO11	Unauthorized use of school electronic or other equipment.	Elementary	X	X				
		Secondary	X	X				
BSO12	Violation of the Acceptable Use of Technology/internet policy.	Elementary	X	X				
		Secondary	X	X				
BSO13	Violation of school board policy regarding the possession or use of portable communication devices.	Elementary	X	X				
		Secondary	X	X	X			
BSO14	Vandalism, graffiti or other damage to school or personal property.	Elementary	X	X	X			
		Secondary	X	X	X			

SBAR Code	Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)		Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement
RB1	Bullying with no physical injury (See Model Policy to Addressing Bullying in Virginia's Public Schools).	Elementary	X	X	X			
		Secondary	X	X	X			
RB2	Cyberbullying; Posting, distributing, displaying, or sharing material, pictures, or literature on social networking websites, personal websites and online personal polling websites that are defamatory or used to demean or slander another student or teacher.	Elementary		X	X	X		
		Secondary		X	X			
RB3	Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronics means.	Elementary	X	X	X			
		Secondary	X	X	X			
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature.	Elementary	X	X	X			
		Secondary	X	X	X			
RB5	Stealing money or property without physical force	Elementary						
		Secondary						
RB6	Speaking to another in an uncivil, discourteous manner.	Elementary	X	X				
		Secondary	X	X				
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	Elementary	X	X	X			
		Secondary	X	X	X			
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures).	Elementary	X	X	X			
		Secondary	X	X	X			
RB9	Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability.	Elementary	X	X	X			
		Secondary	X	X	X			
RB10	Failure to respond to questions or requests by staff.	Elementary	X	X	X			
		Secondary	X	X	X			
RB11	Unwanted or inappropriate physical contact.	Elementary	X	X	X	X		
		Secondary	X	X	X	X		X
SBAR Code	Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school.		Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement
BSC1	Alcohol: Possessing, using, or being under the influence of alcohol.	Elementary	X	X	X	X		X
		Secondary	X	X	X			X
BSC2	Alcohol: Distributing alcohol to other students.	Elementary		X	X	X		X
		Secondary		X	X	X		X
BSC3	Drugs: Possessing drug paraphernalia.	Elementary	X	X	X			X
		Secondary	X	X	X	X		
BSC4	Drugs: Violating school board non-prescription (Over the counter) medication policy or look-alike drug policy.	Elementary	X	X	X			
		Secondary		X	X			
BSC5	Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia, electronic cigarettes, vaping equipment.	Elementary		X	X			X
		Secondary		X	X	X		



SBAR Code	Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school.		Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement
BSC6	Bullying Behavior without physical injury that continues after intervention.	Elementary			X	X	X	
		Secondary		X	X	X		
BSC7	Cyberbullying that continues after intervention.	Elementary			X	X	X	
		Secondary			X	X	X	X
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment.	Elementary						
		Secondary						
BSC9	Bus: Distracting the bus driver.	Elementary	X	X	X			
		Secondary	X	X	X			
BSC10	Bus: Endangering the safety of others on the bus.	Elementary	X	X	X			
		Secondary	X	X	X			
BSC11	Fire alarm: Falsely activating a fire or other disaster alarm.	Elementary	X	X	X			
		Secondary		X	X			
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke.	Elementary	X	X	X			
		Secondary	X	X	X			
BSC13	Engaging in reckless behavior the creates a risk of injury to self or others.	Elementary	X	X	X			
		Secondary	X	X	X			
BSC14	Fighting that results in no injury as determined by the school administration.	Elementary	X	X	X	X		
		Secondary	X	X	X	X		
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students.	Elementary	X	X	X			
		Secondary		X	X	X	X	
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage.	Elementary	X	X	X			
		Secondary	X	X	X			
BSC17	Showing, pushing, striking, biting another a student with no visible injury.	Elementary	X	X	X	X		
		Secondary	X	X	X			
BSC18	Exposing body parts, lewd or indecent public behavior.	Elementary	X	X	X	X		
		Secondary	X	X	X	X		
BSC19	Physical contact of a sexual nature – patting body parts, pinching, tugging clothing.	Elementary	X	X	X	X		
		Secondary	X	X	X	X		X
BSC21	Physical sexual aggression and/or forcing another to engage in sexual activity	Elementary						
		Secondary				X	X	X
BSC22	Stalking; as described in the Code of Virginia section 18.2-60.3.	Elementary						
		Secondary						
BSC22	Stealing money or property using physical force (no weapon involved).	Elementary			X	X		
		Secondary			X	X	X	X
	Stealing money or property without physical force.	Elementary	X	X	X			
		Secondary	X	X	X			
	Stealing money or property using weapons or dangerous instruments	Elementary				X	X	
		Secondary				X	X	X
BSC24	Leaving school grounds without permission.	Elementary	X					
		Secondary	X	X				
BSC25	Trespassing.	Elementary		X	X	X		
		Secondary		X	X	X		
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another.	Elementary				X	X	X
		Secondary				X	X	X
BSC27	Weapons: Possessing any weapon (other than a firearm); as defined by § 18.2-308.1.	Elementary				X	X	X
		Secondary				X	X	X

SBAR Code	Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.		Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement
BESO1	Assault: Intending to cause physical injury to another person.	Elementary	X	X	X	X		
		Secondary		X	X	X		
BESO2	Assault and Battery: Causing physical injury to another person.	Elementary			X	X	X	X
		Secondary			X	X	X	X
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration.	Elementary	X	X	X	X		
		Secondary		X	X			
BESO4	Striking Staff: The use of force against a staff member when no injury is caused.	Elementary	X	X	X	X	X	
		Secondary			X	X	X	X
BESO5	Drugs: Possessing controlled substances, illegal drugs inhalants, or synthetic hallucinogens or unauthorized prescription medications.	Elementary			X	X	X	X
		Secondary			X	X	X	X
BESO6	Drugs: Being under the influence of controlled substances, illegal drugs, inhalants, or synthetic hallucinogens or unauthorized prescription medications.	Elementary			X	X	X	X
		Secondary				X	X	X
BESO7	Drugs: Using and/or distributing controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications.	Elementary					X	X
		Secondary				X	X	X
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire.	Elementary		X	X	X		X
		Secondary			X	X	X	X
BESO 10	Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related; as defined in §18.2-46.1.	Elementary	X	X	X	X		X
		Secondary			X	X	X	X
BESO 11	Hazing; defined in §18.2-56 and noted in § 22.1-279.6.	Elementary		X	X	X		
		Secondary					X	
BESO 12	Threatening, intimidating, or instigating violence, injury or harm to a staff member or members (not including written threats).	Elementary	X	X	X	X	X	X
		Secondary		X	X	X	X	
BESO 13	Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s) (not including written threats).	Elementary	X	X	X			
		Secondary		X	X	X	X	
BESO 14	Threatening, intimidation, or instigating violence, injury or harm to another student(s) or other(s) in writing. If the written threat is to a staff member, a report to law enforcement is required unless the student making the threat has a disability.	Elementary	X	X	X	X	X	X
		Secondary	X	X	X	X	X	X
BESO 15	Using an object not generally considered to be a weapon to threaten or attempt to injure school personnel.	Elementary					X	X
		Secondary					X	X
BESO 16	Using an object not generally considered to be a weapon to threaten or attempt to injure students or others	Elementary					X	X
		Secondary					X	X
BESO 17	Bomb threat –Making a bomb threat	Elementary			X	X	X	X
		Secondary				X	X	X
BESO 18	A crime in the community where the student was charged with an offense relating to the Commonwealth's laws, but required to be disclosed to the superintendent of the school division pursuant to § 16.1-260(G)	Elementary						
		Secondary						

<b>Administrative Responses</b>	<b>Level I</b>	<b>Level II</b>	<b>Level III</b>	<b>Level IV</b>	<b>Level V</b>
<b>Instructional Supports</b>					
Class work provided.	X	X	X	X	
Alternative hours of attendance.		X	X	X	X
Alternative Program			X	X	X
Virtual Learning Programs				X	X
Home-based Education				X	X
Permanent Change in Placement for Students with Disabilities (per IEP).				X	X
Other instructional programs.	X	X	X	X	X
<b>Behavioral Supports</b>					
Recognize/Reward for appropriate behavior	X				
Written reflection or letter of apology	X				
Seat change	X				
Administrator/Student conference	X				
Mediation or conflict resolution	X	X			
Reteaching or Modeling desired behavior	X	X			
Administrator/Teacher/Counselor/Student conference	X	X	X		
Administrator/Teach/Parent/Guardian conference	X	X	X		
Referral to School Counselor	X	X	X		
Schedule/Classroom change	X	X	X	X	
Parent/Guardian contact	X	X	X	X	X
Participation in Restorative Practices	X	X	X	X	X
Restitution	X	X	X		
Confiscation by teach or admin	X	X	X		
Student Conference		X			
Check-In/Check-Out		X			
Parent involvement in support planning		X	X	X	X
Referral to school-based support services provider		X	X	X	X
Referral to Individualized Education Program (IEP) Team and/or Manifestation Determination Review (MDR)		X	X	X	X
Referral to multi-disciplinary intervention team		X	X	X	X
Referral to outside support agency.		X	X	X	X
Behavior Contract (developed with and signed by student, parent/guardian/and school official)			X	X	
Referral to Law Enforcement (where required)			X	X	X
Functional Behavior Assessment			X	X	X
Behavior Intervention Plan			X	X	X
Referral to Threat Assessment Team (as needed)			X	X	X
Long-term revocation of privileges				X	X
Restitution via written contract				X	X
Referral to Superintendent or Designee					X
Return the student to school setting with appropriate supports and interventions					X
Other behavioral support intervention	X	X	X	X	X

Sanctions					
Warning	X				
Class removal or In-School Suspension (ISS) 2 days maximum.	X				
Detention during school day with school work provided (Teach or Admin assigned).	X	X			
Class removal	X	X			
Detention sanction outside of regular school hours.	X	X			
Loss of school privileges and/or participation in extracurricular activities.	X	X	X	X	X
Suspension of bus riding privileges	X	X	X	X	X
Class removal	X	X			
Short-term suspension without instructional services		X	X	X	
School-base community service		X	X	X	X
Short-term suspension with instructional services				X	
Referral to alternative education program			X		
Long-term suspension with instructional services					X
Long-term suspension without instructional services					X
Referral to Superintendent for further consequences (long-term suspension; expulsion)				X	X
Expulsion with instructional services					X
Expulsion without instructional services					X
In-School Suspension	X	X	X		
2 days maximum	X				
3 days maximum		X			
Suspension					
ISS of 3-5 days; Short Term Suspension; PreK-3rd is 1 to 3 days and 4th-12th is 1-5 days.			X		
Short Term Suspension; PreK-3rd is 1 to 3 days; 6th-12 is 4 to 10 days; Long term suspension is 11-45 days per local policy.				X	
Other school sanction	X	X	X	X	X

Sanctions					
Warning	X				
Class removal or In-School Suspension (ISS) 2 days maximum.	X				
Detention during school day with school work provided (Teach or Admin assigned).	X	X			
Class removal	X	X			
Detention sanction outside of regular school hours.	X	X			
Loss of school privileges and/or participation in extracurricular activities.	X	X	X	X	X
Suspension of bus riding privileges	X	X	X	X	X
Class removal	X	X			
Short-term suspension without instructional services		X	X	X	
School-base community service		X	X	X	X
Short-term suspension with instructional services				X	
Referral to alternative education program			X		
Long-term suspension with instructional services					X
Long-term suspension without instructional services					X
Referral to Superintendent for further consequences (long-term suspension; expulsion)				X	X
Expulsion with instructional services					X
Expulsion without instructional services					X
In-School Suspension	X	X	X		
2 days maximum	X				
3 days maximum		X			
Suspension					
ISS of 3-5 days; Short Term Suspension; PreK-3rd is 1 to 3 days and 4th-12th is 1-5 days.			X		
Short Term Suspension; PreK-3rd is 1 to 3 days; 6th-12 is 4 to 10 days; Long term suspension is 11-45 days per local policy.				X	
Other school sanction	X	X	X	X	X

### **Short-Term Suspensions and Appeals**

A student may be suspended for no more than ten school days by either the school principal or, in their absence, any designated staff. The principal or assistant principal may suspend the student after giving the student 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 student whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the student 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 student, the 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 student 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 student's behavior.

The decision of the superintendent or superintendent's designee (1) may be appealed to the School Board.

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.

### **Section III – DEFINITIONS**

The following are standards of student conduct established by the School Board for all students. The consequences of any act are determined on the basis of the facts presented in each situation at the reasonable discretion of the Board, its designated committees and other appropriate school officials.

## **Assault and Battery**

A student shall not assault or commit a battery upon another person on school property, on school buses, or during school activities on or off school property. An assault is a threat of bodily injury. A battery is any bodily hurt, however slight, done to another in an angry, rude, or vengeful manner.

## **Attendance; Truancy**

Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with School Board policy or regulation. (See Policy JED Student Absences/Excuses/Dismissals.)

If a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

## **Bomb Threats**

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 school personnel or school property.

## **Bullying**

A student, either individually or as a part of a group, shall not bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems.

Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting, name-calling, insults and any combination of prohibited activities.

"Bullying" means any aggressive and unwanted behavior that is intended to

harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

The principal notifies the parent of any student involved in an alleged incident of bullying of the status of any investigation within twenty-four hours of the allegation of bullying.

## **Bus-Related Offenses**

Students shall not behave in a disruptive manner or otherwise violate these Standards of Conduct while waiting for a school bus, while on a school bus, or after being discharged from a school bus. (See policy JFCC in Appendix)

## **Cheating**

Students are expected to perform honestly on schoolwork and 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**

Students may possess a cellular telephone, smartphone, tablet, Personal Digital Assistant (PDA) or other communications device on school property, including school buses, provided that the device must remain off and out of sight during instructional time unless it is being used for instructional purposes at the direction of the student's teacher.

At no time may any device be used with an unfiltered connection to the Internet.

The division is not liable for devices brought to school or school activities.

If a student possesses or uses such a device other than as permitted in this policy, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent. (See page 24 CBPS Cell Phone Procedures).

### **Defiance of the Authority of School Personnel**

Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations.

### **Disruptive Conduct**

Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance which interrupts or interferes with teaching and orderly conduct of school activities is prohibited.

### **Extortion**

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

### **Felony Charges**

Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/ intervention activities.

### **Fighting**

Exchanging mutual physical contact between two or more persons 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 such a bet, on school property, on school buses, or during any school-related activity.

### **Gang Activity**

Gang-related activity is not 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). (See Policy JFCE Gang Activity or Association.)

### **Harassment**

A student shall not harass another student or any school employee, volunteer, student teacher, or any other person present in school facilities or at school functions. (See Policy JFHA/GBA Prohibition Against Harassment and Retaliation).

### **Hazing**

Students shall not engage in hazing.

Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

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

### **Internet and Network Use**

Students shall abide by the Colonial Beach Public School Division's Acceptable Computer Use Policy and Regulation. (See Policy IIBEA Acceptable Computer System Use.)



### **Laser Pointers**

Students shall not have in their possession laser pointers.

### **Other Conduct**

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

### **Possession or Use of Weapons or Other Dangerous Articles**

Students shall not have in their possession any type of unauthorized firearm or other dangerous weapon or device. (See Policy JFCD Weapons in School.)

### **Profane, Obscene, or Abusive Language or Conduct**

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

### **Reports of Conviction or Adjudication of Delinquency**

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.

### **Stalking (in-person or cyberstalking)**

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

### **Student Dress**

Students and parents share the responsibility for appropriate dress and grooming. A school is a place of business where students learn both academic and social skills. Therefore, students are expected to wear attire appropriate for business/school day activities. Such attire should reflect a positive attitude toward school. Modesty will be the dominant feature in all clothes. Attire shall be clean and inoffensive. As such, the administration reserves the right to define appropriate and inappropriate dress.

See page 22, CBPS Dress Code Procedures.

### **Theft**

A student shall not intentionally take or attempt to take the personal property of another person by force, fear, or other means.

### **Threats or Intimidation**

Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person. Students shall not use electronic technology or communication devices, such as the internet or cell phones, to intimidate or threaten for any reason.

### **Trespassing**

Students shall not trespass on school property or use school facilities without proper authority or permission or during a period of suspension or expulsion.

### **Use and/or Possession of Alcohol, Tobacco Products, Nicotine Vapor Products, Anabolic Steroids, and Other Drugs**

A student shall not possess, use, or distribute any of the restricted substances listed below on school property, on school buses, or during school activities, on or off school property.

A student shall not attempt to possess, use, consume, procure, and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed

below or what the student believes is any of the restricted substances listed below.

A student shall not be under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

Restricted substances include but are not limited to alcohol, tobacco products as defined in Policy JFCH (See in Appendix) Tobacco Products and Nicotine Vapor Products, nicotine vapor products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia, and any prescription or non-prescription drug possessed in violation of School Board policy.

The School Board may require any student who has been found in possession of, or under the influence of, drugs or alcohol in violation of School Board policy 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.

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

## **Vandalism**

Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus, or at school-sponsored events.

## **Colonial Beach Public School Student Dress Code Procedures**

Students and parents share the responsibility for appropriate dress and grooming. A school is a business place where students learn academic and social skills. Therefore, students are expected to wear attire appropriate for business/school day activities. Such attire should reflect a positive attitude toward school. Modesty will be the dominant feature in all clothes. Attire shall be clean and inoffensive. As such, the administration reserves the right to define appropriate and inappropriate dress.

### **Students May Wear:**

- Hats, including religious headwear. Hats must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff.
- Hoodie sweatshirts (the overhead is allowed but face and ears must be visible to staff.)
- Fitted pants, sweatpants, shorts, skirts, and dresses as long as they are mid-thigh length
- Ripped jeans, as long as there is no skin showing above the mid-thigh
- Tank tops must be 3 fingers wide
- Clothing with commercial or athletic logos as long as they are not of violent language or images

### **Students in all grades will be prohibited from wearing the following:**

- 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 products, nicotine vapor products, or drug paraphernalia or clothing that contains threats such as gang symbols is prohibited.
- Clothing that exposes cleavage, private parts, the midriff, undergarments, or otherwise sexually provocative.
- 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, and clothing constructed of see-through materials.
- Pajamas except announced Spirit Days.
- Chains, tank tops, spaghetti strap tops, mesh tops, tube tops, halters, bare midriff fashions, and low-cut shirts/blouses.
- Skirts (culottes, skorts, split skirts, and skirts) must not be shorter than the mid-thigh.
- Stretch pants, leggings, tights, or leotards are not to be worn alone as pants (must be worn as under pants with a top that meets the mid-thigh requirement. Any skirts/shorts worn over these items must still meet the minimum length requirements.
- Mid-thigh hem applies for shorts on both males and females. This also includes ripped or torn jeans showing skin
- Blouses should cover from armpit to armpit and shoulder straps should be 3 fingers wide.
- Slides/Flip-Flops, bedroom slippers, and sunglasses.
- Combs, picks, and other items should not be worn in the hair.

## **Colonial Beach Public School Student Cell Phone Procedures**

1. Cell phone use is prohibited during instructional periods; cell phones must remain silenced and out of sight. School-provided technology will be used to support learning and accessibility needs.
2. All other communication devices (e.g., smart watches) shall be off or away during instruction. **The instructional day for the elementary school is 7:55 am - 2:55 pm.**
3. Students may use cell phones before the start of the school day, between classes, during lunch (in the cafeteria), and after school.
4. Students may not use cell phones in the restrooms or the school's locker rooms.
5. In the event of an emergency or other unforeseen circumstance, students should notify their teacher of the need to use their phones. With the approval of the teacher, the student will be permitted to go to the main office to use their cell phone. Office staff will provide a confidential space for students to use the phone as needed.

### **Recommended Consequences**

- First Offense Parent/Guardian contacted, verbal warning, and the device may be confiscated until the end of class or the end of the school day.
- Second Offense Parents contacted, the device may be confiscated, but a parent/guardian must come to retrieve the device, and other disciplinary consequences may apply.
- Third Offense The student may receive in-school suspension. Confiscation of phone, parent/guardian contact, and a disciplinary infraction entry will be placed into the student's conduct record.
- Fourth Offense The student may be suspended from school for one (1) day for insubordination. In addition, the student shall be banned from possessing a cell phone or electronic device at school for the remainder of the school year.

### **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:

- justified at its inception and
- 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.

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 persons. 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**

The school computer system, as defined in Policy GAB/IIBEA Acceptable Computer System Use, is school property. Students are only authorized to use the school's computer system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy GAB/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 themselves to be 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.

## **Section IV - APPENDIX**

### **Compulsory Attendance**

Every parent, guardian, or other person having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall cause such child to attend a public school or otherwise provide the child with an education in accordance with state law unless the child is exempt from the state's compulsory attendance requirement.

Further, in the case of any five-year-old child, the requirements of this policy may be alternatively satisfied by causing the child to attend any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

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

The requirements of this policy apply to:

- any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday, and
- any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01.

The requirements of this policy do not apply to:

- any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan, and

- any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements.

#### Individual Student Alternative Education Plan

The School Board may allow the compulsory attendance requirements to be met pursuant to an individual student alternative education plan developed in conformity with guidelines prescribed by the Board of Education under the following conditions:

- The student must be at least sixteen years of age
- There shall be a meeting of the student, the student's parents, and the principal or principal's designee of the school in which the student is enrolled to develop the plan, which must include the following:
  - career guidance counseling
  - mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the School Board, with attendance reported to the principal or principal's designee
  - mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment
  - successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma
  - counseling on the economic impact of failing to complete high school; and procedures for re-enrollment

A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be in violation of the compulsory attendance law, and the superintendent or attendance officer shall seek immediate compliance with such law.

#### Alternative Education Programs

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

Whenever a court orders any student into an alternative education program, including a program of general educational development, offered in the public schools, the School Board will determine the appropriate alternative education placement of the student regardless of whether the student attends the public schools it supervises or resides within its school division.

## **Student Absences/Excuses/Dismissals**

### **I. Student Attendance**

Student attendance is a cooperative effort and the School Board involves parents and students in accepting the responsibility for good attendance. Parents/guardians are responsible for each child's regular and punctual attendance at school as required under the provisions of the law.

Attendance will be taken by the teacher each day. At the elementary level, attendance will be taken once per day. At the middle and high school levels, attendance will be taken in every class.

Whenever any student fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the student's parent is aware of and supports the student's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the student's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. (Va. Code § 22.1-258)

### **I. Notes for Absences**

Parents of students who are absent must inform the school of the reason for the absence no later than upon the student's return to school. All absences will be recorded as "unexcused" until a valid written explanation for the absence has been received. With a valid note, absences will be excused for the following reasons: funeral of an immediate family member, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, religious observances, and military obligation.

Notes informing the school of the reason for the absence should be submitted the same day the student returns to school. Notes submitted more than five calendar days following the student's return to school will not be accepted, and the days absent will be permanently recorded as "unexcused."

Notes may be written by the parent/guardian for the first five consecutive days the student is absent, or the first ten cumulative days of absence per year. After five consecutive days or ten cumulative days of absence, only notes written by a medical or mental health professional, or an officer of the court, will be accepted. Absences not properly documented with a valid note will be permanently recorded as "unexcused."

In addition to the reasons listed above, students may also be excused for participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with a note granting prior approval from the Superintendent or Superintendent's designee.

### **II. Procedures for Excused Absences**

Students with excused absences will be required to complete all missed assignments and assessments within a reasonable timeframe specified by the teacher(s). As a general guideline, students will be given no more than two days to complete assignments and assessments for each day of absence.

Students with excused absences will have their assignments and assessments graded in the same manner as other students.

Students whose absences are excused by reason of observance of a religious holiday will not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which the student missed by reason of such absence if the absence is verified in an acceptable manner.



Nothing in this policy shall be construed to limit in any way the authority of any attendance officer or the division superintendent to seek immediate compliance with the compulsory school attendance law.

### III. Procedures for Attendance Notifications and Interventions

Parents/guardians will be alerted to student absences daily via an automated calling system. School staff shall record each student's absences and record each absence as "excused" or "unexcused."

Parents/guardians will be notified via letter when a student accumulates five unexcused or ten total absences (whether excused or unexcused) for the school year.

#### Unexcused Absences

##### A. Upon Five Unexcused Absences

If a student accumulates five unexcused absences for the school year, the principal or principal's designee shall make a reasonable effort to ensure direct contact is made with the parent, either in person or through phone conversation to obtain an explanation for the student's absences and to explain to the parent the consequences of continued absence. The principal or principal's designee, the student, and the student's parent will jointly develop an Attendance Plan to resolve the student's nonattendance. This plan will include documentation of the reason(s) for the student's absences, as well as action steps, to be taken by the student, parent, and/or school staff to improve student attendance. This plan may include an assignment to attend Saturday Academy to make up for lost instructional time.

##### B. Upon Six Unexcused Absences

If a student accumulates six unexcused absences for the school year, the principal (or principal's designee) or the division attendance officer shall schedule an attendance conference with the student and the student's parent to resolve issues related to the student's nonattendance. Additional school personnel and/or community service providers may also be included in this conference. At the conference, the student's Attendance Plan will be reviewed and revised, as needed. This conference must be scheduled within ten school days and held within fifteen school days of the student's sixth unexcused absence.

##### C. Upon Seven Unexcused Absences

If a student accumulates seven unexcused absences, the principal or principal's designee shall notify the division attendance officer who will enforce the compulsory attendance rules by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the student is a child in need of supervision as defined in Va. Code §16.1-228 or (ii) instituting proceedings against the parent pursuant to Va. Code §§18.2-371 or 22.1-262. In filing a complaint against the student, the

attendance officer shall provide written documentation of the efforts already undertaken to resolve the student's absence. If the student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses.

##### D. Parental Cooperation in Remediating Excessive Unexcused Absences

It is expected that parents will cooperate with the division attendance officer and other school officials to remedy the student's attendance problem. Where direct contact with a parent cannot be made, despite reasonable efforts, or where parents otherwise fail to cooperate in remediating the student's attendance problem, the superintendent or the superintendent's designee may seek immediate compliance with the compulsory school attendance laws. The attendance officer, with the knowledge and approval of the

Superintendent, shall institute proceedings against any parent who fails to comply with the requirements of the compulsory attendance laws. Where the complaint arises out of the parent's failure to comply with the requirements of § 22.1-258, the attendance officer shall document the school division's compliance with this Code section.

#### E. Partial Day Unexcused Absences

The actions outlined in sections A-D above may be implemented at the discretion of the principal or principal's designee if a student engages in a pattern of unexcused partial-day absences.

#### Total Absences (Excused and Unexcused)

##### A. Upon Ten Total Absences

If a student accumulates ten absences, for any reason, for the school year, the principal (or principal's designee) or the division attendance officer shall schedule an attendance conference with the student and the student's parent to address issues related to the student's nonattendance. Additional school personnel and/or community service providers may also be included. At the conference, the team will discuss the reason(s) for the student's absences and inform the parent of the consequences of continued absence. The principal (or principal's designee), the division attendance officer, the student, and the student's parent will jointly develop an Attendance Plan to resolve the student's nonattendance. This plan will include documentation of the reason(s) for the student's absences, as well as action steps to be taken by the student, parent, and/or school staff to improve student attendance. This plan may include an assignment to attend Saturday Academy to make up for lost instructional time. This conference must be scheduled within five school days and held within ten school days of the student's tenth total absence.

##### B. Upon Fifteen Total Absences

If a student accumulates fifteen total absences for the school year, for any reason, the principal or principal's designee shall notify the division attendance officer who will schedule a follow-up attendance conference with the student's parents, appropriate school personnel, and/or community service providers. At this conference, the team will review and revise the Attendance Plan, as needed.

##### C. Consequences for Chronic Absenteeism or Truancy

#### Chronic Absenteeism

Chronic absenteeism is defined as a student missing more than ten percent of scheduled school days for any reason. This is equivalent to missing more than eighteen school days in a school year.

A student who is chronically absent may be recommended for retention due to having missed too much instructional time. A middle or high school student who misses more than nine days for a semester course may fail the individual course due to having missed too much instructional time. The decision regarding retention and/or course failure due to absences will be made by the principal after reviewing the student's record and holding an Attendance Review Conference. The parent, student, student's teacher(s), and other appropriate school personnel (e.g., a school attendance team) will be invited to participate in this conference.

The principal will take into consideration the total number of absences, reason(s) for the absences, student and parent compliance with attendance conferences, and student and parent compliance with the student's Attendance Plan and interventions and action steps included in that plan.

The parent shall be notified in writing of the principal's decision regarding retention and/or course failure due to absences. Parents may appeal the principal's decision to the Superintendent or Superintendent's designee. The decision of the Superintendent or his designee is final.

#### Truancy

Truancy is defined as accumulating seven or more unexcused absences. If a student is truant, the principal or principal's designee will notify the division attendance officer who will enforce the compulsory attendance rules by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the student is a child in need of supervision as defined in Va. Code §16.1-228 or (ii) instituting proceedings against the parent pursuant to Va. Code §§18.2-371 or 22.1-262.

JFC

### STUDENT CONDUCT

Generally, the Colonial Beach School Board establishes expectations for student conduct so that public education is conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.

In addition to the types of conduct prohibited below, the superintendent issues Standards of Student Conduct and a list of possible actions for violations of those Standards.

This Policy and the Standards of Student Conduct apply to all Colonial Beach Public Schools school students. They are enforced when the student's conduct occurs when the student is

On school property.

Traveling to school or from school.

Traveling to, at, and from bus stops.

In School Board vehicles.

In attendance at any school-sponsored activity.

Off-school property if the conduct disrupts the learning environment.

The School Board and superintendent biennially review the model student conduct code developed by the Virginia Board of Education to incorporate into policy and the Standards of Student Conduct a range of discipline options and alternatives to preserve a safe and non-disruptive environment for effective learning and teaching.

### Parental Involvement and Responsibility

Each parent of a student enrolled in Colonial Beach schools has a duty to assist in enforcing this policy, 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. This policy, the Standards of Student Conduct, is a notice of the requirements of Va. Code

§ 22.1-279.3, and a copy of the compulsory school attendance law is sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of this policy, the Standards

of Student Conduct, and the requirements of Va. Code § 22.1-279.3 and the compulsory school attendance law are also sent. Parents are notified that by signing the statement of receipt, they are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school maintains records of the signed statements.

The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or principal's designee to review this policy, the Standards of Student Conduct and the parent's or parent's 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.

The school principal may notify the parents of any student who violates a School Board policy, the Standards of Student Conduct, 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 such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) 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.

The principal or principal's designee notifies the parent of any student involved in an incident required to be reported to the superintendent and Virginia Board of Education as described in Policy CLA Reporting Acts of Violence and Substance Abuse.

If a parent fails to comply with the requirements of this Policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent in accordance with the requirements of the Code of Virginia.

A parent, guardian, or other person having control or charge of a student is notified in writing of any disciplinary action taken with regard to any incident upon which an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G was based and the reasons therefor. The parent or guardian is also notified of the parent or guardian's right to review and request an amendment of, the student's scholastic record, in accordance with regulations of the Board of Education governing the management of scholastic records.

#### Prevention, Intervention, and Treatment Activities and Programs

Any student involved in a reportable drug or violent incident, as described in Policy CLA Reporting Acts of Violence and Substance Abuse, participates in prevention and intervention activities deemed appropriate by the superintendent or superintendent's designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school-sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.

## Prohibited Conduct

The following conduct is prohibited. Students engaging in such conduct are subject to disciplinary action.

### **Bullying and Use of Electronic Means for Bullying**

Bullying is prohibited. "Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

### **Gang Activity**

Gang activity, as defined in Policy JFCE Gang Activity or Association, is prohibited.

### **Harassment**

As defined in Policy JFHA/GBA Prohibition Against Harassment and Retaliation, students are prohibited from harassing other students, school staff, volunteers, student teachers or any other person present in school facilities or at school functions.

### **Hazing**

Hazing is prohibited. Hazing means to recklessly or 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 relevant activity.

### **Intentional Injury of Others**

Students are prohibited from intentionally injuring others.

### **Self-defense**

The investigation procedures of an incident for disciplinary action includes whether a student acted in self-defense.

### **Threats: Intimidation**

Students are prohibited from making any verbal, written, or physical threat of bodily injury to another person.

### **Trespassing**

Students, including students who have been suspended or expelled, are subject to disciplinary action for trespassing on school property

### **Use and/or Possession of Alcohol, Tobacco Products, Nicotine Vapor Products, Anabolic Steroids, and Other Drugs**

Students are prohibited from possessing, using, or distributing any of the restricted substances listed below on school property, on school buses, or during school activities, on or off school property.

Students are prohibited from attempting to possess, use, consume, procure, and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

Students are prohibited from being under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

Restricted substances include but are not limited to alcohol, tobacco products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, nicotine vapor products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of School Board policy.

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

### **Use of Profane or Obscene Language and Conduct**

Students are prohibited from using profane or obscene language or engaging in profane or obscene conduct.

### **Vandalism**

Students are prohibited from vandalizing school property and the property of any School Board staff member or any other person.

The School Board may recover damages sustained because of the willful or malicious destruction or, or damage to, public property pursuant to Policy ECAB Vandalism.

## **STUDENT CONDUCT ON SCHOOL BUSES**

Students are required to conduct themselves on school buses in a manner consistent with established standards for classroom behavior.

The school principal may suspend or revoke the riding privileges of students and/or take other disciplinary actions for students who are disciplinary problems on the bus. Parents (or guardians) of children whose behavior and misconduct on school buses violates the Student Code of Conduct or otherwise endangers the health, safety, and welfare of other riders shall be notified that their child/children face the loss of school bus riding privileges and/or other disciplinary actions.

If a student's riding privileges are suspended or revoked, the student's parents are responsible for seeing that the student gets to and from school safely.

The bus driver is responsible for maintaining the orderly behavior of students on school buses and shall report misconduct to the student's principal and provide a copy of the report to the transportation office.

## WEAPONS IN SCHOOL

### 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 principal or the superintendent or superintendent's designee is prohibited, and grounds for disciplinary action.

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, and
- other dangerous articles.

### II. **Expulsion for Possession of Firearms**

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. The School Board authorizes 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. If it is determined by the superintendent or

superintendent's designee that a disciplinary action other than expulsion is appropriate, such disciplinary action is taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

### **III. Students with Disabilities**

- A. Students with disabilities are subject to 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.”

#### Legal

18 U.S.C. § 930

20 U.S.C. § 1415

8 VAC 20-81-10

Code of Virginia, §§ 15.2-915.4, 18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 277.07:1

#### Cross References

GBEB - Staff Weapons In School

JFC - Student Conduct

JGDA - Disciplining Students with Disabilities

JGDB - Discipline of Students With Disabilities For Infliction of Serious Bodily Injury

JGD/JGE - Student Suspension/Expulsion



## DRUGS IN SCHOOL

### **I. Generally**

No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance or imitation controlled substance while

- on the property, including building or grounds, of any public school;
- on public property or any property open to public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or
- at any designated school bus stop or any property open to public use within 1,000 feet of such school bus stop during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school sponsored activity.

### **A. Expulsion**

A student who is determined to have brought a controlled substance or imitation controlled substance 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 authorizes 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. Any disciplinary action imposed pursuant to such a review must be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

### **B. Prevention and Intervention**

Any student who violates this policy shall participate in the prevention and intervention activities identified in Colonial Beach 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.
- 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:
    - a. 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).
    - b. 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 healthcare 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.

### Legal

20 U.S.C. § 1415

21 U.S.C. § 812.

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, 18.2-250.1, 18.2-255.2, 22.1-277.08.

8 VAC 20-81-10.

### Cross References

CLA - Reporting Acts of Violence and Substance Abuse

JFC - Student Conduct

JGDA - Disciplining Students with Disabilities

JGD/JGE - Student Suspension/Expulsion

## TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

### Generally

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

### Definitions

“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

### Legal

20 U.S.C. §§ 6083, 7183

Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-279.6.

### Cross References

CLA - Reporting Acts of Violence and Substance Abuse

GBEC - Tobacco Products and Nicotine Vapor Products

JFC - Student Conduct

KG - Community Use of School Facilities

KGB - Public Conduct on School Property

Last Revised: September 11, 2019

## PROHIBITION AGAINST HARASSMENT AND RETALIATION

### I. Policy Statement

The Colonial Beach School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on protected group status at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's protected group status at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the school division.

The school division

- promptly investigates all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

### II. Definitions

The Compliance Officer is the person designated by the School Board to receive complaints of harassment referred by the Title IX Coordinator and oversee investigation of those complaints as described below.

“Consent” is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

## Prohibited Conduct

### Harassment Based on Sex

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

"Sexual harassment prohibited by Title IX" means conduct on the basis of sex that satisfies one or more of the following:

- an employee of the School Board conditioning the provision of an aid, benefit, or service of the School Board on an individual's participation in unwelcome sexual conduct;
- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Board's education program or activity; or
- "sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

### Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct

- creates an intimidating, hostile or offensive working or educational environment;
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language
- name calling, jokes or rumors
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion
- hostile acts which are based on another's race, national origin, religion or disability
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion

#### Additional Prohibited Behavior

Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including socioeconomic level regardless of whether the personal characteristic is protected by law.

"Title IX" means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

"Title IX Coordinator" means the person designated by the School Board to coordinate its efforts to comply with its responsibilities under this policy and Title IX.

The Title IX Coordinator may be contacted at [ebyrd@cbschools.net](mailto:ebyrd@cbschools.net), **Human Resource Coordinator** and [faddo@cbschools.net](mailto:faddo@cbschools.net), **Executive Director Operations and Accountability**

### III. Complaint Procedures

#### Report

Any student or school personnel who believes he or she has been the victim of harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment to the Title IX Coordinator or to any school personnel. The alleged harassment should

be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to the Title IX Coordinator or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator should be reported to the superintendent.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted.

The complaint, and identity of the person allegedly harassed and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a person allegedly harassed who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process below is followed. If they cannot be sexual harassment prohibited by Title IX, then the complaint is referred to the Compliance Officer who follows the procedures below.

The Title IX Coordinator also determines whether the alleged harassment may also constitute criminal conduct and ensures that law enforcement officials are notified if necessary.

If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Services in accordance with Policy GAE Child Abuse and Neglect Reporting. Investigation by Compliance Officer

Generally

The Compliance Officer

- receives complaints of harassment referred by the Title IX Coordinator;
- conducts or oversees the investigation of any alleged harassment referred by the Title IX Coordinator;
- assesses the training needs of the school division in connection with complaints referred by the Title IX Coordinator;
- arranges necessary training; and
- ensures that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victim and others during the investigation.

Compliance Officer Formal Procedure

Upon receiving a referral of a complaint of alleged prohibited harassment from the Title IX Coordinator, the Compliance Officer shall immediately authorize or undertake an investigation. The

investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the person allegedly harassed, the alleged harasser and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the person allegedly harassed and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

#### Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or superintendent's designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the person allegedly harassed and the alleged harasser. If the superintendent or superintendent's designee determines that it is more likely than not that prohibited harassment occurred, the Colonial Beach School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the superintendent or superintendent's designee



determines that prohibited harassment occurred, the superintendent or superintendent's designee may determine that school-wide or division-wide training be conducted or that the person allegedly harassed receives counseling.

### Appeal

If the superintendent or superintendent's designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed.

- If the superintendent or superintendent's designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

### Compliance Officer Informal Procedure

If the person allegedly harassed and the person accused of harassment agree, the person allegedly harassed's principal or principal's designee or supervisor may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

If the person allegedly harassed and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Compliance Officer Formal Procedures set forth herein. The principal or principal's designee or supervisor shall notify the person allegedly harassed and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

The Compliance Officer may be contacted at Mrs. Elizabeth Byrd, Coordinator of Human Resources, 400 Lincoln Ave, Colonial Beach, VA 22443, 804-224-0906, [ebyrd@cbschools.net](mailto:ebyrd@cbschools.net).

Complaints of harassment may also be made to the Alternative Compliance Officer, Dr. Felix Addo, Executive Director of Accountability and Operations, at 400 Lincoln Ave, Colonial Beach, VA 22443, 804-224-0906, [fadd@cbschools.net](mailto:fadd@cbschools.net).

### Sexual Harassment Prohibited by Title IX

#### Definitions

“Actual knowledge” means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by Title IX.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment prohibited by Title IX against a respondent and requesting that the allegation be investigated. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. The allegations in a formal complaint must be investigated. In response to a formal complaint, the Title IX Grievance Process below is followed.

“Program or activity” includes locations, events or circumstances over which the School Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by Title IX.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security or monitoring of parts of campus, and other similar measures. Any supportive measures provided to the complainant or respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## Title IX Grievance Process

### Generally

Any person may report sex discrimination prohibited by Title IX, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. The reporting party may use the form, Report of Harassment, GBA-F/JFHA-F, to make a complaint. Such a report may be made at any time,

including non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Complainants and respondents are treated equitably by offering supportive measures to a complainant and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the School Board are notified

- of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator; and
- that the School Board does not discriminate on the basis of sex in its education program or activity and that it is required by Title IX not to discriminate in such a manner. The notification states that the requirement not to discriminate extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

The School Board prominently displays the contact information for the Title IX Coordinator and this policy on its website and in each handbook or catalog it makes available to persons listed above who are entitled to notifications.

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the School Board's education program or activity.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All relevant evidence is evaluated objectively, including both inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

Any Title IX Coordinator, investigator, decision-maker, or any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receives training on the definition of sexual harassment prohibited by Title IX, the scope of the School Board's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

A finding of responsibility may result in disciplinary action up to and including expulsion for students or dismissal of employees.

The standard of evidence used to determine responsibility is preponderance of the evidence.

This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

#### Notice of Allegations

On receipt of a formal complaint, the Title IX coordinator gives the following written notice to the parties who are known:

- notice of the grievance process, including any informal resolution process, and
- notice of the allegations of sexual harassment potentially constituting sexual harassment prohibited by title IX, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment prohibited by Title IX, and the date and location of the alleged incident, if known.

#### The written notice

- includes a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

- informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- informs the parties of any provisions in the School Board's code of conduct or the superintendent's Standards of Student Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, notice of the additional allegations is provided to the parties whose identities are known.

#### Dismissal of formal complaints

A formal complaint or any allegations therein must be dismissed if the conduct alleged in the complaint

- would not constitute sexual harassment prohibited by title IX even if proved,
- did not occur in the School Board's education program or activity, or
- did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the School Board's code of conduct or the superintendent's Standards of Student Conduct.

A formal complaint or any allegations therein may be dismissed if at any time during the investigation:

- a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the School Board; or
- specific circumstances prevent the School Board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

#### Investigation of formal complaint

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School Board and not on the parties provided that a party's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party's parent, or the party if the party is an eligible student, to do so for this grievance procedure.

The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The choice or presence of advisor for either the complainant or respondent is not limited in any meeting or grievance proceeding.

Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.

The investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to the completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, sends to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the question any decision to exclude a question as not relevant.

#### Determination regarding responsibility

The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;

- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- findings of fact supporting the determination;
- conclusions regarding the application of the School Board's code of conduct or the superintendent's Standards of Student Conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School Board imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the complainant; and
- the procedures and permissible bases for the complainant and respondent to appeal.

The decision-maker must provide the written determination regarding responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

## Appeals

Either party may appeal from a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Notification of appeal must be given in writing to the Title IX Coordinator.

As to all appeals, the Title IX Coordinator

- notifies the other party in writing when an appeal is filed and implements appeal procedures equally for both parties;
- ensures that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- ensures that the decision-maker for the appeal complies with the standards set forth in title IX and this policy.

### The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;
- issues a written decision describing the result of the appeal and the rationale for the result; and
- provides the written decision simultaneously to both parties and the Title IX Coordinator.

### Timelines

The investigative report will be provided to the parties within 35 days from the date the formal complaint is filed.

A decision will be issued within 10 working days from the date the investigative report is submitted to the decision-maker.

Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties.

Any appeal will be resolved within 15 calendar days from the filing of the appeal.

If the parties agree to an informal resolution process, these deadlines are tolled from the time one party requests an informal resolution process until either the time the other party responds, if that party does not agree to the informal resolution process, or until either party withdraws from the informal resolution process.

Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; disciplinary processes required by law or School Board policy; or the need for language assistance or accommodation of disabilities.

### Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the parties may participate in an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. When one party requests an informal resolution process, the other party must respond to the request within 3 days. The informal resolution process must be completed within 10 days of the agreement to participate in the process.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:



- the parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the grievance process with respect to the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- the parties, voluntarily and in writing, consent to the informal resolution process; and
- the informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. If the matter is not resolved, the formal complaint process is resumed.

Parties cannot be required to participate in an informal resolution process.

An informal resolution process is not offered unless a formal complaint is filed.

#### Recordkeeping

The School Board will maintain for a period of seven years records of:

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will also be made available on the School Board's website.

For each response required under 34 C.F.R. § 106.44, the School Board must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by Title IX. In each instance, the School Board will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the School Board does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Title IX Coordinator will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

#### V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### VI. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the Compliance Officers.

#### VII. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

#### Legal

20 U.S.C. §§ 1681-1688.

29 U.S.C. § 794.

42 U.S.C. §§ 2000d-2000d-7.

42 U.S.C. §§ 2000e-2000e-17.

42 U.S.C. § 2000ff-1.

34 C.F.R. 106.2, 106.8, 106.9, 106.30, 106.44, 106.45, 106.71.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-295.2.

#### Cross References

AC - Nondiscrimination

AD - Educational Philosophy

GAB-IIBEA - Acceptable Computer System Use

GB - Equal Employment Opportunity/Nondiscrimination

GBA-F/JFHA-F - Report of Harassment

GAE - Child Abuse and Neglect Reporting  
GBM - Professional Staff Grievances  
GBMA - Support Staff Grievances  
GCPD - Professional Staff Discipline  
JB - Equal Educational Opportunities/Nondiscrimination  
JFC - Student Conduct  
KKA - Service Animals in Public Schools

Last Revised: September 14, 2022

**REPORT OF HARASSMENT**

Name of Complainant: \_\_\_\_\_

For Students, School Attending: \_\_\_\_\_

For Employees, Position and Location: \_\_\_\_\_

Address, Phone Number \_\_\_\_\_

Email Address: \_\_\_\_\_

Date(s) of Alleged Incident(s) of Harassment: \_\_\_\_\_

Name of person(s) you believe harassed you or others: \_\_\_\_\_

If the alleged harassment was toward another, please identify that person: \_\_\_\_\_

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct, and complete to the best of my knowledge:

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Complaint Received By: \_\_\_\_\_  
(Principal or Compliance Officer) Date

**STUDENT SUSPENSION/EXPULSION****I. DEFINITIONS**

As used in this Policy,

“Alternative education program” includes 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 devices, 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 policies or the Standards of Student Conduct issued by the superintendent pursuant to Policy JFC 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 11 to 45 school 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 the action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“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.

In Sections III, IV, VI, and VIII of this Policy, “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 a sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

Except as provided in subsection C of Va. Code § 22.1-277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent’s designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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.

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 11 to 45 school days after written notice is provided to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board

The written notice of a suspension for 11 to 45 school 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 are borne by the parent of the student.

A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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 the pupil's parent of the proposed action and the reasons therefor and of the right to a hearing before the School Board.

The School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and the pupil's parent includes notification of the length of the expulsion and provides information to the parent of the student concerning the availability of community-based educational, training and intervention programs. The notice also 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 the expulsion are borne by the parent of the student.

Nothing in this section 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 the expulsion, and of the conditions, if any, under which readmission may be granted.

Such students may apply and reapply for readmission to school in accordance with the following schedule:

**Completed enrollment packets and all necessary documentation must be submitted 30 days prior to the start date.**

### 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, Destructive Devices, and Pneumatic Guns

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 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 authorizes 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. Nothing in this section 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 section do not apply to students 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 to use school premises.

#### 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 authorizes 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. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

### C. Procedure for School Board Hearing

The procedure for the School Board hearing is as follows:

- The School Board 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 School Board.
- The School Board may ask for opening statements from the principal or the principal's representative and the student or student's parent(s) (or their representative) and, at the discretion of the School Board, 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 School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford the full opportunity to both parties for the presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, the student's parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board is the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the School Board and, when so received, are marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board transmits its decision, including the reasons therefor, to the student, the student's parent(s), the principal, and the superintendent.

### VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been

- 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;
- 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;
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or

- expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C 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 conduct 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.

The School Board authorizes the superintendent or superintendent's designee to require students to attend an alternative education program consistent with the provisions of the previous paragraph after

(i) written notice to the student and the student's parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or the superintendent's designee regarding such placement. If the student or parent wants to participate in a hearing regarding the placement, the student or parent must notify the superintendent or superintendent's designee within 3 days of receiving the written notice of the student's assignment to the alternative education program. The decision of the superintendent or superintendent's designee regarding such alternative education placement is final unless altered by the Board upon written petition by the student or student's parent for a review of the record by the School Board. Such petition must be received by the superintendent or superintendent's designee within 3 days after receiving written notice of the decision after the hearing.

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 in this section, "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, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in 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 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 the student's 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 is 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 may constitute a criminal offense to the parents of any minor student who is the specific object of such an 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 the student’s 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 Colonial Beach Schools, in accordance with Policy JEC 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 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 the student’s 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 expulsion or a withdrawal of admission, which period shall be established by the School Board 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 section to attend an alternative education program provided by the School Board for the term of such exclusion.

#### IX. DISCIPLINING STUDENTS WITH DISABILITIES

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

Adopted: January 12, 2011

Amended: September 25, 2013

Amended: August 8, 2018

Amended: October 10, 2018

Amended: August 12, 2020

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Legal Refs.: 20 U.S.C. § 7151.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-308.2:2, 22.1-200.1, 22.1-254, 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1.

8 VAC 20-560-10.

Cross Refs.:	IGBH	Alternative School Programs
	JEC	School Admission
	JFC	Standards of Student Conduct
	JFCD	Weapons in School
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
	KG	Community Use of School Facilities

## Technology Use Guidelines

All use of the Colonial Beach School Division's computer system shall be consistent with the school board's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. The term computer system includes but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD, and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and any other internal or external network. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

### Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.
2. **Privilege.** The use of the division's computer system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
  - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
  - sending, receiving, viewing or downloading illegal material via the computer system.
  - unauthorized downloading of software.
  - using the computer system for private financial or commercial purposes.
  - wastefully using resources, such as file space.
  - gaining unauthorized access to resources or entities.
  - posting material created by another without his or her consent.
  - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
  - using the computer system while access privileges are suspended or revoked.
  - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
  - intimidating, harassing, bullying, or coercing others.
  - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
  - be polite.
  - users shall not forge, intercept or interfere with electronic mail messages.
  - use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
  - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
  - users shall respect the computer system's resource limits.
  - users shall not post chain letters or download large files.
  - users shall not use the computer system to disrupt others.
  - users shall not modify or delete data owned by others.

5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from the use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.
6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.
8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.
9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.
10. **Enforcement.** Software will be installed on the division's computers having internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored manually. Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by school board policy, or legal action.

Adopted: June 24, 2009

Amended: September 25, 2013

Amended: September 9, 2015

Amended: July 10, 2019

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Legal Refs: 18 U.S.C. §§ 1460, 2256.  
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

Cross Refs: GAB/IIBEA Acceptable Computer System Use

GCPD Professional Staff Discipline

JFC Student Conduct

JFC-R Standards of Student Conduct