

# **Code of Student Conduct 2016-2017**



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# Fauquier County Public Schools

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August 17, 2016

Dear Parents and Students,

One of the most important responsibilities of our school division is to provide each student with the opportunity to learn and grow in a safe and secure school environment. We believe that students, parents and school staff must work cooperatively to ensure that a respectful climate exists at school, where educational and extracurricular programs thrive. The ***Code of Student Conduct*** (Code) is a guide to clarify expectations for student behavior at school and the range of consequences that may be imposed if those expectations are not met.

In addition to describing the rights and responsibilities of students and parents, the ***Code*** defines in detail prohibited behaviors, the range of responses available to principals in addressing those behaviors, and the procedures approved by the School Board for use by the division in administering the ***Code***. This ***Code*** has been established as a guide; discretion for addressing student behavior at school rests with the building principal.

The ***Code of Student Conduct*** applies to students while on school property, while at any school activity, while under the supervision of school authority (including going to and coming from school), and, in certain circumstances, while off school grounds and after school hours. It is important that parents and students review this ***Code*** together and discuss the importance of following school rules and meeting the division's behavioral expectations at all times. **After you have read the Code, please sign the form on the reverse side of this letter and, if your child is in grades 6 through 12, have your student sign as well. Please return the signed form to school by Friday, August 26, 2016.**

The School Board and our school staff believe that the safety and the emotional well-being of our students are paramount in ensuring a quality educational program and that providing a safe and secure school environment is a responsibility shared between home and school. The School Board and I appreciate your continued support. If you have any questions regarding the administration of the ***Code of Student Conduct***, please call your child's principal.

Please accept my best wishes for a rewarding and successful school year.

Respectfully,

A handwritten signature in cursive script that reads "David C. Jeck".

Dr. David C. Jeck  
Division Superintendent

**CODE OF STUDENT CONDUCT**  
**Statement of Receipt**

This document contains the *Code of Student Conduct*, the *Code of Virginia Parental Responsibility and Involvement Requirements*, and the *Code of Virginia Compulsory School Attendance* law. The Code of Virginia requires this information be provided to parents at the beginning of each school year.

All parents/guardians of students enrolled in Fauquier County Public Schools, and all middle and high school students are required to sign this page, certifying that they have received this information, and read and understand the rights and exceptions in this document. If further clarification is needed, please contact the principal of your child's school.

**Please complete this form and return to school no later than Friday, August 26, 2016.**

I am the parent of the below named child, and by signature acknowledge receipt of the *Code of Student Conduct*, the *Code of Virginia Parental Responsibility and Involvement Requirements*, and the *Code of Virginia Compulsory School Attendance* law, which are included in this document. I have read the *Code of Student Conduct*, and have reviewed it with my child.

By signing this Statement of Receipt, I do not waive or abdicate, but do expressly reserve, any rights protected by the constitution or laws of the United States or the Commonwealth of Virginia. I further understand that I have the right to express disagreement with the school division's policies or decisions.

Name of Student \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

(Grades 6 – 12)

Home Room Teacher \_\_\_\_\_

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# **Fauquier County Public Schools**

## ***Code of Student Conduct***

### **Philosophy**

Recognizing the importance of the dignity and worth of each individual, the Fauquier County School Board strives to provide a respectful atmosphere in all schools that is conducive to successful teaching and learning. The Board believes that in such an atmosphere the intellectual, physical, emotional, and social needs of students and teachers are met. The Board further believes that students, parents, administrators, teachers and all other staff members must work together to maintain a respectful school environment in which educational and extracurricular programs thrive.

It is the primary responsibility of students to preserve a climate of mutual respect and trust so the dignity of the individual can be protected and the pursuit of opportunities for each student may be realized. It is the responsibility of administrators, teachers, and all other school staff to enforce this *Code of Student Conduct* and to be consistent and fair in the application of all School Board policies and all school rules and regulations. (Ref. 7-3.1)

### **Student and Parent Rights and Responsibilities**

#### **Student Rights**

A student has all rights expressed and guaranteed by the United States Constitution and by federal, state, and local laws. These rights do not permit a student to disrupt the educational process, to break school rules, to present a health or safety hazard, or to disregard directions of those in authority. Individual rights do not include infringing upon the rights of others in the school community. To the extent permitted by applicable law, students have the right to: a public education without regard to gender, race, religion, or national origin; an orderly school and classroom environment that will allow optimum learning, emphasizing the values of responsibility, kindness, fairness, and safety; and express themselves in speech, writing, or symbols, consistent with their constitutional rights and School Board policy.

#### **Student Responsibilities**

It is the responsibility of students to preserve a climate of mutual respect and trust in order that the dignity of the individual is protected and the pursuit of opportunities for each student may be realized. Students are responsible for: knowing and complying with any rules or regulations of the School Board, as well as local, state, and federal laws; attending school regularly, equipped with the materials needed to attend class and complete class assignments and/or requirements; and contributing to a climate of mutual respect for all within each school so that the hopes and ambitions of all individuals may be realized.

#### **Students with Disabilities**

Students with disabilities will be disciplined consistent with all applicable law.

#### **Parental Responsibilities**

Each parent has the responsibility to assist the school in enforcing the *Code of Student Conduct* and the attendance policies in order that education may be conducted in an atmosphere free of disruption and the threat to persons or property. A school principal may request that a student's parent or parents, if both parents have legal and physical custody of such student, meet with the school administration to review the School Board's *Code of Student Conduct* and the parent's or parents' responsibility to participate with the school in providing appropriate consequences for behavior.

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

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the *Code of Student Conduct*, the notice of the requirements of *Code of Virginia* §22.1-279.3, and the Virginia compulsory school attendance law. Each Fauquier County school shall maintain records of such signed documents.

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

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

Upon failure of a parent to comply with these provisions of *Code of Virginia* §22.1-279.3, Parental Responsibility and Involvement Requirements, the School Board may, by petition to the juvenile and domestic relations district court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student’s behavior or school attendance. (Ref 7-3.1)

### **Definitions**

For the purposes of this *Code of Student Conduct*, and unless the context clearly indicates otherwise:

**"Alternative education program"** shall include, but not be limited to, adult education, Southeastern Alternative School, homebased instruction, or any other 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 which 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 in this subsection and from which a destructive device may be readily assembled. "Destructive device" shall not include any device which is not designed or redesigned for use as a weapon,



or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in *Code of Virginia* §18.2-308.2:2(G).

**"Disruptive behavior"** means a violation of School Board policies or regulations governing student conduct that interrupts or obstructs the learning environment.

**"Exclusion"** means the 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, in either 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 the School Board or a committee thereof, 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"** for purposes of mandatory expulsion, 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 document.

**"Long-term suspension"** means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

**"One year"** means 365 calendar days.

**"Parent"** means the natural parent(s) and/or legal guardian(s) of the student.

**"Pneumatic gun"** means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic guns" include, but are not limited to, paintball guns, air guns, Airsoft guns, pellet guns and BB guns.

**"Principal"** as used in School Board policy means the principal or designee.

**"School property"** means any real property owned or leased by the School Board, any vehicle owned or leased by the School Board or operated by or on behalf of the School Board, school bus stops or a Drug-Free School Zone as per *Code of Virginia* §18.2-255.2.

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

**"Superintendent"** as used in School Board policy means the superintendent or designee.

(Ref 7-3.1)

## Prohibited Behaviors

No student shall violate, while on school property, while at any school activity, or while under the supervision of school authority (including going to and coming from school), any laws and/or rules and regulations of the School Board and the school. The following are general categories of prohibited conduct. Specific conduct violations and accompanying consequences are listed elsewhere in this *Code of Student Conduct*.

Alcohol, Drugs and Inhalants - The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol, anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, inhalant, or other controlled substance as defined in the Drug Control Act, Chapter 34, Title 54.1 of the *Code of Virginia*, or as defined in schedules I through V of 21 U.S.C. 812, or imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school sponsored or school approved activity or event, shall result in suspension and/or expulsion from school in accordance with all applicable laws and School Board policy. “Drug paraphernalia” shall mean those items described in §18.2-265.1 of the *Code of Virginia* and “imitation controlled substance” shall mean a pill, capsule, tablet or other item that is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit, appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana. Inhalant use is the intentional breathing of chemical vapors or gas. Inhalants include but are not limited to, computer dusters, solvent-based markers, solvent-based correction fluid, fingernail polish remover, aerosols, gasoline and butane.

Bomb Threat/False Fire Alarm – Students shall not make a false threat or the intent to create a false threat, including, but not limited to a bomb threat or false fire alarm.

Bullying – 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 does not include ordinary teasing, horseplay, argument or peer conflict. Bullying occurs when a person or group of people exposes another person, repeatedly and over time, to negative actions, which include the following three components:

1. Aggressive behavior that involves unwanted, negative actions;
2. A pattern of behavior repeated over time; and,
3. An imbalance of power or strength.

Types of bullying actions include:

1. Verbal bullying (including derogatory comments; name calling)
2. Social exclusion or isolation
3. Physical bullying (hitting, kicking, shoving, spitting, etc.)
4. Bullying through lies and false rumors
5. Bullying by having money or possessions taken or damaged
6. Threats or coercion to do things one doesn't want to do
7. Racial bullying
8. Sexual bullying

Cyber-bullying (bullying through email, social media, instant messaging (IMing), chat room exchanges, Web site posts, or digital messages or images sent to a cellular phone or personal digital assistant (PDA) Cyber-bullying, like traditional bullying, involves an imbalance of power, aggression, and a negative action that is often repeated.)

Defiance of the Authority of School Personnel/Disrespect - Students shall comply with any oral or written instructions made by school personnel, volunteers, or law enforcement personnel within the scope of their authority as provided by School Board policies and regulations. Students may immediately seek guidance from school personnel in situations where they believe their safety or well-being is being compromised. In other cases, the students should make an appointment with a school administrator to discuss their concerns. Students shall communicate in a respectful manner with all school personnel, volunteers and law enforcement personnel. Disrespect and defiance of authority may result in disciplinary action.

Dishonesty - Honesty shall be practiced in the entire educational experience. Cheating, plagiarism, forgery (including computer forgery), lying, stealing, or any other acts of dishonesty shall not be tolerated. This includes unauthorized or illegal use of computers or computer networks.

Disruptive Behavior - Students shall not behave in a disorderly manner or in any other manner that materially or substantially disrupts or disturbs the safe and orderly operation of the classroom, the school, the ongoing educational process, or any school activity.

Fighting/Assault/Battery – Students shall not fight, display, or contribute to aggressive behavior that is disruptive or dangerous. All students have the right to be educated in an atmosphere that is free from violence, fear, intimidation, harassment and abuse. Assault is an attempt to inflict or actual infliction of physical harm, or the touching of another person without his or her consent. Battery involves any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, or hitting. Battery normally involves one aggressor. Fighting is the touching or striking of another person with the intent to bring about harmful or offensive contact to another person. Fighting involves two or more persons. Students are expected to avoid conflicts of this nature. Assault, battery and fighting are all violations of School Board policy.

Gambling - Gambling in any form is prohibited on school property or in association with any school activity. Students shall not bet money or other things of value or knowingly play or participate in any game involving such a bet, on school property or during any school-related activity.

Gang Activity – Students shall not engage in gang activity on school grounds, on any school buses, or at any school sponsored activity. A gang is defined as any group of two or more persons whose organized purpose includes some or all of the following: (1) commission of illegal acts, (2) participation in activities that threaten the safety of persons or property of others, (3) disruption of school activities, and (4) creation of an atmosphere of fear and intimidation. Gang activity includes, but is not limited to:

1. Wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang
2. Committing any act or omission, or using any speech, either verbal or nonverbal (such as gestures or handshakes) showing membership or affiliation in a gang
3. Using any speech or committing any act or omission in furtherance of the interests of any gang, including:
  - a. Soliciting, hazing and initiation of others for membership in any gang
  - b. Requesting any person to pay for protection or otherwise intimidating or threatening any person
  - c. Committing any other illegal act or other violation of school policy
  - d. Inciting other students to act with physical violence
  - e. Inappropriate congregating, bullying, harassment, abuse, intimidation, degradation, disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors

Hazing - Students shall not participate in the hazing of other students. Hazing is the reckless or intentional endangerment of the health or safety of a student or students or the infliction of 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 Fauquier County school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

Hazing, as defined herein, is a Class I misdemeanor, which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. See *Code of Virginia* §18.2-56.

Medication and Prescription Drugs - “Medication” refers to any drug, including prescription and over-the-counter drugs and supplements. A student shall not have in his possession any medication or supplement except approved self-administered medication when written permission is on file from the parent and physician. Other medications may be delivered to the school clinic in accordance with School Board policy for safekeeping and to administer to the student when permission is received from the parent for over-the-counter drugs, and from the parent and physician for prescription drugs.

Possession, Distribution and/or Sale of Pornography and/or Pornographic Materials – Students shall not possess, distribute, give and/or sell pornography and/or pornographic materials in any format, nor shall students procure or attempt to procure pornography and/or pornographic materials. This includes, but is not limited to, written, photographic and pornographic images stored and/or shared on electronic devices such as cell phones.

Unauthorized Possession or Use of Portable Electronic Devices including, Smartphones, Laptop Computers, Tablets, Cellular Telephones, Personal Digital Assistants (PDA’s), Portable Music or Video Devices, and/or Other Portable Communication and Electronic Devices –Students may possess personal portable electronic devices during posted school hours and may use them during non-instructional time as designated by the building principal/school administration and while on the school bus at the discretion of transportation staff. Students are strictly prohibited from taking photographs, making videos or making audio recordings on school property, or school buses, unless authorized to do so by a staff member for instructional purposes. Students may only use a personal electronic device in class if specifically instructed to do so by a staff member. If a student violates the *Code of Student Conduct* or Acceptable Use Policy using an electronic device, in addition to other disciplinary sanctions that may be imposed, the device may be confiscated from the student and returned only to the student’s parent or parent’s designee. The student may also lose the privilege to use personal electronic devices in the future.

Profane, Obscene, Abusive, or Threatening Language – Cursing, threatening, or using abusive language or remarks intended to demean or intimidate a person, including derogatory language related to race, religion, sex, national origin, disability, sexual orientation, or intellectual ability is prohibited. This violation includes action, displays, or written material of an obscene, violent, or inappropriate nature and the wearing of clothing or adornments, including inappropriate jewelry, that convey either violent or sexually suggestive messages or offensive statements towards school personnel and students (e.g., vulgar language).

Stalking - Stalking means willful, malicious and repeated following or similarly harassing a person over an extended period. Stalking can also include seeking and obtaining the person's personal information in order to contact them. Stalking may include such acts as:

1. Repeated physical following
2. Unwanted contact (by letter or other means of communication)
3. Observing a person's actions closely for an extended period of time
4. Contacting family members, friends, or associates inappropriately
5. Cyber-stalking (a. Using the Internet, through chat rooms, social media and e-mail, to find, identify, and arrange to meet a person whom one intends to victimize. b. Sending multiple e-mails, often on a systematic basis, to annoy, embarrass, intimidate, or threaten a person or to

make the person fearful that he/she or a member of her family or household will be harmed. Also called e-mail harassment.)

Student Dress - A student's dress and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem. All students are expected to dress appropriately. Apparel worn to school should be neat and clean. Items of clothing with language that is vulgar, obscene, or discriminating, or that promotes or depicts weapons, drugs, alcohol, tobacco, drug paraphernalia, themes of violence, or gang symbols are prohibited. Examples of unacceptable dress include, but are not limited to:

1. "See through" shirts, spaghetti-strap tank tops, or muscle shirts. These may only be worn with an additional shirt of a different type underneath or over
2. Hats, head covers (except for religious purposes), headbands, and sunglasses are not to be worn in a school building
3. Clothing that exposes undergarments, the midriff, chest, back, or buttocks is inappropriate for school and is not permitted
4. Pajamas and other sleepwear
5. Absence of shoes or appropriate footwear
6. Clothing with inappropriate slogans, sexual innuendo, themes of violence, or negative gestures, especially as they relate to alcohol, drugs, illegal substances, or tobacco products may not be worn
7. Any student's dress that is determined by school administration to be disruptive to the learning environment is not acceptable
8. Pants worn below the normal waistline and/or at a length that may cause walking on the hem of the garment

Technology Violations – Violations of the Fauquier County Public Schools computer use policy are not permitted.

Theft – Students shall not take property from the possession of another person or from the school division without the consent of the owner.

Threatening Behavior, Harassment, Sexual Harassment – A student shall not threaten or sexually harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. A student shall not threaten or harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions because of race, color, gender, age, religion, disability, appearance, national origin, sexual orientation, or marital status. Threatening and harassing include, but are not limited to, inappropriate verbal, written, (including social media messages or e-mail), or physical conduct that creates an intimidating, hostile or offensive environment. Students are urged to immediately seek guidance from school personnel in situations where they believe their safety or well-being is being compromised. In other cases, the student should make an appointment with a school administrator to discuss their concerns. (FCPS Policy 5-1.7)

Tobacco - The possession and/or use of tobacco or tobacco products, including nicotine vapor products and alternative nicotine products on school premises (including school vehicles) is strictly prohibited at all times. (This includes, but is not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other forms of tobacco prepared in such a manner as to be suitable for chewing, smoking, inhaling or for any other means of human consumption.)

Trespassing - Students shall not enter upon school property or use school facilities without the proper authority or permission. Students are not allowed to be on school property during a period of suspension or expulsion. Students who are expelled may not be on school property or attend any school event at any time during the period of expulsion. Such students who are not readmitted to school after 365 days of

expulsion continue to be prohibited from being on school property or at school-sponsored events. Should said student wish to have the prohibition removed, a formal request must be made to the principal of the school of attendance where the suspension or expulsion took place. For expulsion, if supported by the principal, such request to remove the prohibition must be approved by the School Board after a hearing. This policy does not preclude the individual from being on school property for non-school sponsored groups using the property; however, the individual must have approval from the superintendent for this purpose.

Truancy - Students are to be in their assigned classes and on the school grounds during the entire school day. Students must obtain permission from the principal to leave the school grounds before the designated closing of the school day.

Vandalism - Students shall not maliciously or willfully damage, injure, deface, or destroy school property or other property owned or under the control of the School Board, or the personal property of others, to include electronic data. This category includes graffiti. In addition to criminal sanctions against offending students, the *Code of Virginia* allows the School Board to seek reimbursement from the student or the student's parent for the destruction of school property.

Weapons - Students shall not use or possess any weapons as defined in this *Code of Student Conduct*. (Ref 7-3.1)

**Administrative Options for Addressing Misconduct**

Students are subject to discipline by the staff for any misconduct that occurs in school or on school property; in a school vehicle; while participating in or attending any school sponsored activity or trip; and on the way to and from school. Students may be subject to discipline for misconduct that occurs off school property when such misconduct includes acts that lead to: (1) an adjudication of delinquency or a conviction for an offense listed in §16.1-260 of the *Code of Virginia* (including unlawful purchase, possession or use of a weapon, homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana, arson and related crimes, and burglary and related offenses), or (2) a charge that would be a felony if committed by an adult.

Preventative and/or corrective measures available to school administrators include but are not limited to the following:

**Level I Options:** (Preventative)

Community or School Service	An activity assigned that helps a student understand through service a more appropriate way of conduct. (e.g. – cleaning the cafeteria after throwing food, assisting custodian with graffiti removal, etc.)
Counseling	School counselor will discuss the offense and behavior with the student.
Parent Contact	Letter or phone call to parent.
Restorative Practices	School administrators, in coordination with school counselors, parents and other school staff, may implement restorative practices. (e.g., peer mediation, directed community services, research projects, etc.)
Student Contracts	A written contract between a student and teacher/administrator agreeing to engage in appropriate behavior and the rewards/consequences for appropriate or inappropriate behavior.
Time Out	Student may be asked to briefly separate from an activity where inappropriate behavior has occurred to give the student time to calm down and return to the activity exhibiting more appropriate behavior.
Warning	Teachers, principals or a designee will discuss the offense with the offender in an attempt to resolve the issue.

**Level II Options:** (Corrective)

Before or After-School Detention	Where appropriate, a student may be detained for a reasonable period of time before or after his classes and may be required during this time to engage in controlled and constructive activities as may reasonably contribute to better behavior. Parents of students assigned to detention time shall be notified at least one school day prior to the time to be served in order that there may be an opportunity to make transportation arrangements. Because the student remains in attendance, this policy provides no appeal process beyond the decision of the principal. Before or after-school detention given by the principal’s designee may be appealed to the principal whose decision is final.
In School Detention	In-school detention (ISD) may be given for up to ten (10) consecutive days at the discretion of the principal. Because the student remains in attendance, this policy provides no appeal process beyond the decision of the principal. ISD given by the principal’s designee may be appealed to the principal whose decision is final.
Parent Conference	A formal conference with parent (student if age appropriate) and teachers/administrators to discuss inappropriate behavior and possible solutions.

Restitution	Students may be expected to pay restitution for vandalism, theft or other damage to school property. (e.g., damage to computers resulting from tampering, graffiti, etc.)
Retained in Office	Students may be briefly sent to the office to speak to a school administrator about inappropriate behavior and to be given an opportunity to calm down and reflect on their behavior.
Saturday School	A student may be assigned to Saturday School and may be required during this time to engage in controlled and constructive activities as may reasonably contribute to better behavior. Parents of students assigned to Saturday School shall be notified at least one school day prior to the time to be served in order that there may be an opportunity to make transportation arrangements. Because the student remains in attendance, this policy provides no appeal process beyond the decision of the principal. Saturday School assigned by the principal's designee may be appealed to the principal whose decision is final.
Suspension from Extracurricular or Co-curricular Activities	A student's privilege to participate in all or certain extracurricular or co-curricular activities and/or other school sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular or co-curricular activities may be imposed in conjunction with other penalties. Parents shall be notified of activity suspension in writing. Activity suspension assigned by the principal's designee may be appealed to the principal whose decision is final.
Teacher Removal of Student from Class	Teachers have the initial authority to remove students from class for disruptive behavior. Disruptive behavior is defined as a violation of School Board regulations governing student conduct that interrupts or obstructs the learning environment. ( <i>Code of Virginia</i> §22.1-276.2)

**Level III Options:** (Punitive)

Bus Suspension	A student's privilege to ride in a school vehicle may be suspended by the school principal, assistant principal or, in their absence, a designee (except as cited in §22.1-221 of the <i>Code of Virginia</i> , "Transportation of children with disabilities.")
Out-of-School Suspension	A student's privilege to attend school may be suspended for 1 – 10 days by the school principal, assistant principal, or in their absence, a designee, according to all applicable law and to the procedures set out in this <i>Code of Student Conduct</i> and for the offenses contained herein. Students will receive credit for work done while on suspension when the work is received no later than the day the students return to school. Students are not permitted on any FCPS property while suspended.
Long-Term Suspension	A student's privilege to attend school may be suspended for 11-364 days by the division superintendent or his designee, according to all applicable law and to the procedures set out in this <i>Code of Student Conduct</i> for the offenses contained herein.
Expulsion	A student may be expelled from school by the School Board. Expulsion is defined as removal from school for 365 days or more. If expelled, a student may only return if granted permission to do so by the School Board.
Mandatory Expulsion	The <i>Code of Virginia</i> §§22.1-277.07 and 22.1-277.08 mandate expulsion for firearm possession or use or possession of a controlled substance, imitation controlled substance, marijuana, synthetic cannabinoid, as defined in Chapter 34 of Title 54.1 and §18.2-247 of the <i>Code of Virginia</i> , on school property or at a school sponsored activity. The division superintendent may



	determine, based on the facts of the case that special circumstances exist and another form of disciplinary action is appropriate. Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation.
Referral to Alternative Education Program	The School Board may, in accordance with the procedures set forth in this section and upon a finding that a student has been (i) charged with an offense relating to the Commonwealth’s laws or with a violation of School Board policies regarding weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the division superintendent pursuant to the <i>Code of Virginia</i> §16.1-305.1; (iii) long-term suspended pursuant to the procedures in this section; or (iv) expelled from school attendance pursuant to the procedures in this section, require the student to attend an alternative education program as provided in <i>Code of Virginia</i> §§22.1-209.1:2 or 22.1-277.2:1.
Referral to Authorities	In addition to the disciplinary action outlined herein, any known violation of the law will be referred to the appropriate law enforcement authorities.
Recommendation for Participation in a Drug, Alcohol, or Violence Intervention, Prevention or Treatment Program	Participation may be recommended at parent expense or at school division expense as part of a superintendent or School Board disciplinary decision.

**Administrative Requirements for Addressing Harassment and Misconduct**

School administrators are required to investigate all allegations of bullying, harassment and threat and to document their investigation using FCPS form 7-3.1 F2. A copy of the form will be retained by the administrator and copies forwarded to the building principal and the Assistant Superintendent for Student and Special Education Services.

School administrators are required to refer any student to the formal FCPS Response to Intervention (RtI) process for the following:

1. Multiple incidents of in-school suspension that equal or exceed seven days of in-school suspension.
2. Multiple incidents of out-of-school suspension that equal or exceed five days of out-of-school suspension.

Requests to waive this requirement must be submitted to the Assistant Superintendent for Student and Special Education Services.

In addition to the consequences described immediately above and the specific conduct violations and accompanying consequences listed below, the School Board and the school administration reserve the right to increase the prescribed consequences for violations that occur during stated periods of emergency. (Ref 7-3.1)

### **Corporal Punishment**

No teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. For the purposes of this section, “corporal punishment” means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular or co-curricular activity. In addition, this definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force permitted by the *Code of Virginia* §22.1-279.1. (Ref 7-3.1)

### **Discipline History**

Students are responsible for behaving in a dignified and respectful manner and following rules, regulations and laws. Failure to fulfill this responsibility shall result in appropriate consequences as defined herein. In assigning consequences, the principal and/or superintendent shall consider the student’s cumulative record of behavior and discipline. This record shall include the seriousness and number of all infractions reported for grades 6 through 12. (Ref 7-3.1)

## Conduct Violations and Accompanying Consequences (7-3.1 A)

The following list of conduct violations and accompanying consequences is not meant to be all-inclusive. *The School Board or appropriate school official may invoke disciplinary measures for conduct not listed, but which, by common understanding, a student would know or reasonably should have known would be conduct detrimental to the maintenance of good order and/or the academic process.* The building principal or designee has the discretion to implement any administrative option for addressing misconduct as defined herein he/she deems appropriate for Tier 1 – Tier III offenses. Additionally, the School Board may, upon the recommendation of the superintendent, approve a consequence up to and including expulsion for any offense that is so egregious in nature as to warrant a consequence greater than is specified otherwise in this code in any case where sufficient cause exists for such discipline. Conversely, a principal may also seek to obtain a waiver with regard to the assignment of required consequences in light of extenuating circumstances in order to provide appropriate disciplinary alternatives. The waiver request shall be submitted to the superintendent in writing.

### 1. Tier 1 Offenses

The principal, with the approval of the division superintendent has the authority to promulgate school rules consistent with the rules contained herein and to administer such rules. **A student's failure to follow published school rules may result in any administrative option for addressing misconduct up to and including a maximum of three (3) days suspension from school. For example:**

a.	Classroom disruption
b.	Disrespectful behavior: 1 <sup>st</sup> offense
c.	Dress code violation
d.	Failure to follow school rules
e.	Minor physical altercation: 1 <sup>st</sup> offense
f.	Tobacco: 1 <sup>st</sup> offense (includes nicotine vapor products)
g.	Minor safety violation
h.	Possession of personal items banned by published school rules

### 2. Tier 2 Offenses

**The following misconduct may result in any administrative option for addressing misconduct up to and including a maximum of five (5) days suspension from school:**

a.	<b>Classroom disruption:</b> 3 or more incidents in a semester
b.	<b>Defiance (1<sup>st</sup> offense or minor):</b> Insolence directed at a staff member to include insubordination or disregard of a verbal instruction or direction.
c.	<b>Disrespectful behavior:</b> 2 <sup>nd</sup> offense
d.	<b>Electronic devices:</b> Unauthorized use of cellular telephones, smartphones, laptop computers, tablets, personal digital assistants, portable music or video players, and/or other portable communication and electronic devices as defined in <b>Prohibited Behaviors</b> herein.
e.	<b>Fighting:</b> Any physical confrontation involving two persons that may result in no injury or minor injury, including kicking, shoving, pushing, and hitting.
f.	<b>Medication violations:</b> Failure to abide by the policy 7-5.3, Administering Medicine/First Aid and the associated regulation (Applies to over-the counter (OTC) medications, a student's own prescription medication and supplements)
g.	<b>Minor physical altercation:</b> 2 <sup>nd</sup> offense
h.	<b>Misrepresentation:</b> Falsifying signatures on notes, excuses, or other school documents (includes producing false notes, excuses or other school documents by computer); cheating; lying
i.	<b>Persistent failure to follow school rules:</b> 3 or more incidents in a semester

j.	<b>Safety violations:</b> Behavior that threatens the safety of students or staff.
k.	<b>Technology violations:</b> Unauthorized or illegal use of computers or computer networks, including any violation of the Fauquier County Public Schools Technology Acceptable Use Policy
l.	<b>Tobacco:</b> 2 <sup>nd</sup> offense (includes nicotine vapor products)
m.	<b>Vandalism:</b> Purposefully cutting, defacing, tampering with or otherwise damaging in any way property belonging to the school division or to other persons. (Includes confirmed intent to vandalize or tamper with property.)

### 3. Tier 3 Offenses

The following infractions may result in any administrative option for addressing misconduct up to and including a suspension for a maximum of ten (10) days:

a.	<b>Assault and Battery:</b> Offensive and intentional touching or striking of an individual against his or her will, which may also include <i>mutual participation in a fight</i> where a participant intentionally causes bodily harm without the use of a firearm or weapon.
b.	<b>Bullying:</b> Repeated, negative, aggressive behaviors intended to frighten, cause harm, or embarrass, which may include, but are not limited to verbal, electronic or written threats, teasing or physical harm. This includes cyber-bullying (e-mail, social media, etc.) that occurs off school property that impacts the orderly operation of school and the safety and well-being of students while on school property or is reasonably foreseeable to cause a substantial disruption on school property. (See definition in Prohibited Behavior section on page 4.)
c.	<b>Campus/classroom disruption (major):</b> Creating a disruption or inciting other students to seriously disrupt the orderly operation of the classroom or school.
d.	<b>Computer invasion of privacy:</b> Unauthorized or illegal use of a computer, computer network, or personal electronic device to examine personal information relating to another person.
e.	<b>Computer tampering:</b> Temporary or permanent removal of or downloading of computer data, computer programs, or computer software from or to a computer or computer network, resulting in a disruption to a school program.
f.	<b>Defiance (2<sup>nd</sup> offense or major):</b> Insolence directed at a staff member to include insubordination or disregard of a verbal instruction or direction.
g.	<b>Fighting (2<sup>nd</sup> offense or major):</b> Any physical confrontation involving two persons that may result in no injury or minor injury, including kicking, shoving, pushing, and hitting.
h.	<b>Fighting (group):</b> Any mutual physical confrontation involving three or more persons that may result in no injury or minor injury, including kicking, shoving, pushing, and hitting.
i.	<b>Fire alarm/electronic surveillance equipment/building access equipment:</b> Tampering with fire alarm system, keyless entry system and/or other electronic surveillance equipment.
j.	<b>Gang related activity-1<sup>st</sup> offense (minor):</b> Wearing gang related apparel, using gang signs or language.
k.	<b>Harassment:</b> Annoying or attacking a student or group of students or personnel that creates an intimidating or hostile educational or work environment. This includes engaging in verbal, written or electronic abuse such as name-calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that may precipitate disruption of the school program or incite violence. Harassment may also be non-verbal and may include, but is not limited to, embarrassing others; photographs that are offensive to others, etc.
l.	<b>Profanity/pornography:</b> Use of vulgar acts, gestures, or profane language directed toward others and/or possession of pornographic or sexually explicit material. This includes images taken or shared on a personal electronic device.
m.	<b>Sexual harassment and/or assault, unwelcome sexual advances:</b> Engaging in conduct involving offensive, unwelcome, indecent, lewd, behavior including gender-based harassment that creates an intimidating, hostile or offensive environment.
n.	<b>Sexual offenses without force:</b> Lewd behavior, inappropriate sexual behavior and/or sexual contact on school property without force or threat. (This includes consensual sexual behavior.)

o.	<b>Stalking:</b> Stalking means willful, malicious and repeated following or similarly harassing a person over an extended period. Stalking can also include cyber-stalking (see Prohibited Behaviors) and seeking and obtaining the person's personal information in order to contact them.
p.	<b>Theft:</b> Any theft of money or personal or public property and/or theft involving breaking and entering, including lockers (includes knowingly possessing stolen property and unauthorized or illegal use of school property including computer services).
q.	<b>Threat and/or Intimidation:</b> Placing a person in fear of bodily harm through physical, verbal, written or electronic threats without displaying a weapon or subjecting the person to actual physical attack.
r.	<b>Trespassing while suspended or expelled:</b> Students are not permitted on school property at any time while suspended or expelled without express permission from the Superintendent or as defined in Prohibited Behaviors herein. This includes athletic events, dances, graduation ceremonies and all other FCPS activities on school property or in other counties or locations. Trespassing on school property during long-term suspension or expulsion will be reported to the Superintendent and School Board and will be considered when determining whether a student who has been long-term suspended or expelled may return to his/her base school.
s.	<b>Weapon:</b> Possession of a device that does not meet the definition of “weapon” or “destructive device” as defined elsewhere in the <i>Code of Student Conduct</i> , but which may be used as a weapon or which might present a danger to others. This includes, but is not limited to, a knife having a metal blade shorter than three (3) inches, box cutters, razor blades, or ammunition.

#### **4. Activity Suspension**

Activity suspension is generally limited to the number of days a student is suspended from school. Building administrators have the authority to impose an activity suspension of a longer or shorter duration than the length of suspension from school. In such instances, the building administrator will provide in writing his/her rationale for the modified activity suspension.

Students on suspension for the use and/or possession of alcohol and/or illegal drugs are not allowed to participate nor attend extracurricular or co-curricular activities for the period of the suspension and for a period of 45 calendar days from the time of the infraction.

#### **5. Repeat Offenses (10-30 days out-of-school suspension)**

Repeat commission of Tier 2 and Tier 3 offenses constitutes the gross willful disregard of School Board rules and regulations and the student may be suspended for up to thirty (30) days out of school.

The School Board may, upon the recommendation of the superintendent, approve a consequence up to and including expulsion for any offense so egregious in nature as to warrant a consequence greater than is specified otherwise in this *Code of Student Conduct* in any case where sufficient cause exists for such discipline.

#### **6. Other Serious Offenses**

**The violation of the following offenses shall result in suspensions or expulsions as indicated:**

### **DRUGS, ALCOHOL AND ANABOLIC STEROIDS**

The *Code of Virginia* §22.1-277.08 states that the School Board shall expel from school attendance any student determined to have possessed a controlled substance, imitation controlled substance, or marijuana on school property, at a school-sponsored activity, or in a Drug-Free School Zone. The *Code* also provides provisions that authorize the School Board to invoke other disciplinary actions. Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation. In Fauquier County, the School Board has approved the following consequences for the following violations:

a.	<p><b>Drugs-Distribution:</b> Selling, supplying, or bringing to school to share with others, (or intent to sell, supply, or share with others), dangerous or illegal drugs or substances, which include anabolic steroids, marijuana, Schedule I &amp; II drugs, inhalants, drug paraphernalia, synthetic cannabinoids, or over-the-counter drugs and <u>look-alike</u> drugs or prescription medication.</p> <p><b>First Offense:</b> Recommendation for Expulsion</p>
b.	<p><b>Alcohol-Distribution:</b> Selling, supplying, or bringing alcohol (or substances represented as alcohol) to school to share with others.</p> <p><b>First Offense:</b> Recommendation for Expulsion</p>
c.	<p><b>Alcohol-Use, Under the Influence and/or Possession, Solicitation of Alcohol:</b></p> <p><b>First Offense:</b> Ten (10) days out-of-school suspension, participation in a drug abuse program involving the student and his parents, and 45-calendar days exclusion from participation and attendance in all extracurricular or co-curricular activities. Failure to comply with the terms of the penalty shall result in a recommendation for expulsion.</p> <p><b>Second Substance Abuse Offense of Any Kind:</b> Recommendation for Expulsion</p>
d.	<p><b>Drugs-Use, Under the Influence and/or Possession of Dangerous or Illegal Drugs, or Paraphernalia, Solicitation of Drugs:</b> This includes, but is not limited to, anabolic steroids, Schedule I &amp; II drugs, the possession of drug paraphernalia, inhalants, synthetic cannabinoids, inappropriate use or possession of OTC or prescription medication:</p> <p><b>First Offense:</b> Ten (10) days out-of-school suspension, participation in a drug abuse program involving the student and his parents, and 45-calendar days exclusion from participation and attendance in all extracurricular or co-curricular activities. Failure to comply with the terms of the penalty shall result in a recommendation for expulsion.</p> <p><b>Second Substance Abuse Offense of Any Kind:</b> Recommendation for Expulsion</p>
e.	<p><b>Imitation Alcohol or Imitation (look-alike) Dangerous or Illegal Drugs:</b> <b>Use and/or Possession:</b> This includes nonalcoholic malt beverages, imitation anabolic steroids and other substances represented as dangerous or illegal drugs.</p> <p><b>First Offense:</b> Ten (10) days out-of-school suspension, participation in a drug abuse program involving the student and his parents, and 45-calendar days exclusion from participation and attendance in all extracurricular or co-curricular activities. Failure to comply with the terms of the penalty shall result in a recommendation for expulsion.</p> <p><b>Second Substance Abuse Offense of Any Kind:</b> Recommendation for Expulsion</p>

**Substance Abuse Counseling and Drug Testing:** Students who have been disciplined for a substance abuse infraction and subsequently long-term suspended or expelled may be required to participate in group counseling at Southeastern Alternative School and may be required by the School Board to submit to random drug testing for the duration of the discipline sanction.

**Interscholastic Athletics and Anabolic Steroid Use:** In addition to the consequences listed above, a student who is a member of a school athletic team will be ineligible for two years to compete in 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 sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition. (FCPS Regulation 7-3.1A)

### WEAPONS

The *Code of Virginia* §22.1-277.07 states that a student who is determined to have possessed a ‘firearm,’ ‘destructive device,’ ‘firearm muffler’ or ‘firearm silencer’ or a ‘pneumatic gun’ as defined in this document or by applicable law, on school property or to a school-sponsored activity shall be expelled. The *Code* also provides provisions that authorize the School Board to invoke other disciplinary actions. Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation. In Fauquier County, the School Board has approved the following consequences for the below-stated violations:

Additionally, any student who brings or possesses a weapon, as defined within this section, to or on school property may be referred to the criminal justice or juvenile justice system as required by the *Code of Virginia*.

f.	<b>Carrying, use or possession of any firearm, dangerous device, or weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored event any of the items listed below.</b>
	First Offense: Recommendation for Expulsion, unless special circumstances exist
	<b>Any</b> stun weapon
	<b>Any</b> knife having an exposed metal blade three inches in length or longer
	<b>Any</b> pistol, shotgun, stun gun, revolver, or other firearm listed in <i>Code of Virginia</i> §22.1-277.07 (E) designed or intended to propel a missile of any kind, including a rifle
	<b>Any</b> dirk, bowie knife, switchblade, ballistic knife, or razor type knife, slingshots, spring sticks, brass or metal knuckles, or blackjacks (this does not include razor blades or box cutters)
	<b>Any</b> 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 nunchahka, nun chuck, shurikan, or fighting chain
	<b>Any</b> 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
	Unloaded firearms in closed containers
	<b>Any</b> pneumatic gun designed to expel a BB or pellet by action of pneumatic pressure. This includes, but is not limited to, air rifles, Airsoft guns, BB guns, paintball guns, toy guns or look-alike guns
	<b>Any</b> weapon of like kind as those enumerated above including look-alike weapons

#### Exceptions

**Curriculum** - An exception to this policy may be made for students participating in an authorized part of the curriculum, extracurricular or co-curricular activity or team involving the use of firearms, or in any organization permitted by the school to use the premises.

**Food Preparation or Service** - A student possessing a knife, which is (1) customarily used for food preparation or service and (2) is possessed by the student for the sole purpose of food preparation or service shall not be subject to mandatory expulsion. However, the student may be subject to the appropriate disciplinary action for the possession and/or misuse of any knife. (FCPS Regulation 7-3.1A)

## Other Offenses

- g. Arson (deliberately setting a fire on school property)  
**First Offense:** Recommendation for Expulsion.
- h. Bomb threat  
**First Offense:** Recommendation for Expulsion.
- i. Serious significant threat to the safety and well-being of student(s) and/or staff (includes text messages and social media threats)  
**First Offense:** Recommendation for Expulsion.
- j. Making a false fire alarm, false 911 call, or unauthorized use of emergency/security telephones  
**First Offense:** a minimum of 20 days out of school suspension.
- k. Causing a computer to malfunction or altering, or erasing any computer data, computer programs or computer software, or downloading unauthorized programs in a manner resulting in an extraordinary disruption of a school program  
**First Offense:** a minimum of 20 days out of school suspension.
- l. Making or causing to be made an unauthorized or illegal copy, in any form, of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network that significantly compromises school or student records  
**First Offense:** a minimum of 20 days out of school suspension.
- m. Hazing, as defined in *Code of Virginia* §18.2-56  
**First Offense:** Recommendation for Expulsion.
- n. Gang activity of a serious nature (or 2<sup>nd</sup> offense of minor gang related activity)  
**First Offense:** Recommendation for Expulsion, unless special circumstances exist.
- o. Brandishing or threatening to use a weapon or use of a weapon not defined by the *Code of Virginia* as a firearm or knife. (E.g. misuse of commonplace objects such as pencils, keys, nails, chains, belts, to harm or threaten another person)  
**First Offense:** Recommendation for Expulsion, unless special circumstances exist.
- p. Assault and battery (Egregious): To include any assault on school personnel  
**First Offense:** Recommendation for Expulsion, unless special circumstances exist.
- q. Use and/or possession of an incendiary device: To include fireworks, firecrackers or similar devices.  
**First Offense:** a minimum of 10 days out of school suspension up to and including expulsion.

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

A suspended student may not enter any school building or come onto any school property during the period of suspension or expulsion except with the prior permission of the principal. Any student who is suspended and who is also enrolled in a regional or other external school division program such as Governor's School shall be deemed suspended from that program as well. A student enrolled in a work cooperative program who is suspended also may be restricted from employment during the suspension.  
(FCPS Regulation 7-3.1A)



## **Search and Seizure**

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, a student's purse or book bag, a student's personal electronic devices (phones, tablets, computers, etc.), student lockers or student automobiles and may seize any illegal, unauthorized, or contraband materials discovered in the search, consistent with applicable law.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of students and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate law, school policies and regulations, or which may be harmful to the school or its students. Lockers and other storage facilities are subject to periodic searches for any reason at any time without notice, without student consent, and without a search warrant.

To ensure a drug-and-alcohol-free learning environment for students and staff, school officials may, at their discretion, request assistance from a variety of available resources, including the Fauquier County Sheriff's Department, substance abuse counselors, the Fauquier County Health Department, and the active and passive canine teams coordinated by the local law enforcement agencies.

The school administration also has the right to search any student when there is a reasonable suspicion that the student possesses an item which violates law, school policies and regulations, or which may be harmful to the school or its students. In no event shall strip-searches of students be conducted.

At times, at the principal's discretion and in accordance with School Board policy and all applicable law, metal detectors may be used to assist school staff in ensuring the safety of students, school staff, and guests.

The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials will be notified. Any contraband seized by school personnel pursuant to FCPS regulation 7-3.3 may be admissible in any subsequent criminal proceeding. The student or employee in violation of the policies, rules and regulations of the Fauquier County School Board shall be disciplined in accordance with the rules of the regulations of the School Board, regardless of whether criminal proceedings are pursued. (FCPS Policy and Regulation 7-3.3)

## **Use of Metal Detectors**

Weapons or explosives of any kind are prohibited on school property, in school buildings or at school-related functions. Possession of weapons or explosives is a violation of School Board policy, federal and state law and will subject an individual to disciplinary action and possible criminal penalties.

The administration possesses the authority to take all reasonable, necessary and proper steps, including but not limited to the use of stationary or mobile metal detectors, provided by law and School Board policies and regulation to safeguard students, employees and property of Fauquier County Public Schools.

The purpose of the metal detector scan is to prevent and deter individuals from carrying weapons and explosive devices onto School Board property. At all times, the degree and nature of the inspection are not to exceed that which is necessary to allow staff to discharge their responsibility in ensuring the safety of persons and property.

Procedures governing the use of metal detectors are set forth below.

1. The division superintendent or building principal in a non-delegatable duty shall approve the use of metal detectors in school, on school property or specific school activities.
2. Only personnel trained in the use of metal detectors shall be authorized to conduct metal detector screenings. Training for personnel shall be arranged through the division superintendent's office.
3. In the event metal detectors are to be used, signs shall be posted to notify all persons that, as a condition of entrance to the school or school-related activity, they will be required to pass through or submit to a metal detector screening.
4. When a metal detector is being used, all individuals who wish to enter the school or school-related activity shall use only the facility entrances designated.
5. School officials may search a particular individual(s) when there is a reasonable suspicion that the individual(s) is in possession of weapons or explosives.
6. If a metal detector activates on an individual, the individual will have the option of removing the item that caused the alarm and being scanned with a hand-held wand, or receiving a refund and exiting the premises. Individuals failing to comply with the safety procedures prescribed for Fauquier County Public School's events will be refused entry.
7. Any briefcase, knapsack, purse, personal electronic device, parcel or other package causing the activation of a metal detector shall be subject to inspection.
8. All property removed from a person as a result of this procedure and not defined as contraband shall be returned to the person. Property that is defined as contraband, even though it may not have been capable of activating the metal detector, shall be confiscated and turned over to the local law enforcement or other appropriate agency for proper handling. Any contraband seized by school personnel pursuant to FCPS regulation 7-3.3 may be admissible in any subsequent criminal proceeding. The student or employee in violation of the policies, rules and regulations of the Fauquier County School Board shall be disciplined in accordance with the rules of the regulations of the School Board, regardless of whether criminal proceedings are pursued.
9. Any student or employee who refuses to cooperate with personnel performing their duties under this regulation may be subject to discipline in accordance with School Board policy and regulation and required to leave school property. Any person who refuses to cooperate with personnel performing their duties under this regulation shall be required to leave school property.

(FCPS Regulation 7-3.3)

### **Investigations and Questioning of Students**

#### **School Incidents**

Disciplinary actions are primarily the responsibility of the principal. The school division uses the school resource officer (SRO) to assist the principal with disciplinary responses for school-related incidents. The SRO is a sworn deputy sheriff and may be assigned by the principal to investigate suspected violations of the *Code of Virginia*. The principal or designee may interview students without parental consent if the student is capable of consenting, and does consent, to the interview. The SRO will only interview students who are suspected of having violated the *Code of Virginia*. The SRO may interview students without parental consent if the student is capable of consenting and does consent to the interview. The SRO must report all findings to the principal. The principal will inform the parent of school disciplinary decisions. Appropriate due process will be followed as specified herein.

Where an incident occurs on school grounds during the school day that is potentially a crime under Virginia law, the principal shall immediately contact local law enforcement, or an SRO. Law enforcement will follow all appropriate legal procedures in terms of advising students of their rights and conducting a thorough investigation. The principal shall follow applicable School Board policy according to the *Code of Student Conduct* in determining the involvement of a student or students in the incident and the type of disciplinary action to be taken on the part of the school.

Certain misconduct that may constitute just cause for suspension or expulsion may also constitute probable cause that a state or federal law has been violated. A principal shall impose penalties provided by School Board policy for misconduct and may seek, through the appropriate legal means, criminal adjudication of the misconduct. School administration and law enforcement officials will make every effort to work cooperatively with the least possible disruption to either the schools or local law enforcement.

### Non-school Incidents

Social Services - Principals shall allow a child protective services worker with proper identification to interview a student who is an alleged victim of abuse and/or neglect. A private setting should be provided. Parental notification is the responsibility of the Department of Social Services and should not be made by school personnel.

Law Enforcement – During the school day, on school grounds, law enforcement officers may question students without the permission of the parents or guardian, provided that the officer ascertains that the student is capable of consenting to, and does consent to, the interview. The principal shall be contacted immediately, and shall make a reasonable effort to contact the parent or guardian. If the parent or guardian cannot be present for the conference, then the principal shall be present throughout the interview.

The student shall be called or escorted to the office by the principal. Under dangerous circumstances, the principal may ask the law enforcement officer to accompany him/her to the classroom to escort the student to the office. A private place shall be provided for the conference/interview. The parent, child, and/or law enforcement officer may request that a staff member be present as an observer while the student is being questioned. If the law enforcement officer removes the student from the school grounds, the principal shall immediately contact the parent or guardian of the student and the superintendent's office.

The Fauquier County School Board encourages law enforcement officers, when possible, to make all reasonable attempts to conduct such interviews during non-school hours and off school premises to avoid disrupting the school operations and to avoid removing students from class.  
(FCPS Policy 7-3.1)

### **Expectations and Consequences for School Bus/Vehicle Passengers**

While on school property or while under the supervision of school authority (including going to and from school), no student shall violate any laws or regulations of the School Board and the school. The use of the term “bus” herein encompasses all school vehicles used to transport students. Students who become a serious discipline problem on the school bus or consistently demonstrate inappropriate behavior shall have their riding privileges suspended by the principal. In such cases, the parents of the suspended student shall be responsible for transporting their child to and from school.

The *Code of Virginia*, §22.1-176, permits School Boards to provide transportation for students; however, the law does not require that transportation be provided except as cited in §22.1-221, “Transportation of children with disabilities.” Riding a school bus is a privilege. Students and their parents will be informed that violations of standards set forth in the *Code of Student Conduct* on school buses will be cause for a referral to a school administrator and shall result in appropriate disciplinary penalties. School buses are

considered School Board property, and students who fail to meet the expectations of the *Code of Student Conduct* may have their riding privileges revoked for a specified time or permanently.

Bus conduct rules shall apply to all students in all situations in which the use of school buses is permitted, such as: regular transportation to and from school; field trips; athletic trips; special after-school activities; transportation from base schools to locations where specialized educational programs are available; and any trip involving the use of a school bus to transport students for a school activity.

#### *Expectations for Behavior of Bus Passengers*

Proper behavior is required of students to and from school, at bus stops and while riding the bus to assure that the rights of others are respected. The driver of the bus has the authority and the responsibility to maintain order and safe conditions on the bus. When the driver requires assistance to resolve a potentially harmful situation, the schools served by the driver will render assistance. On the first day of school, drivers shall discuss school bus safety and proper bus behavior with students.

The following expectations for bus passengers are not all inclusive. The School Board or principal may invoke disciplinary measures for conduct not listed here, but which, by common understanding, would be considered detrimental to the safety of all bus riders and drivers.

Bus passengers shall:

1. Arrive at assigned stop at least five (5) minutes before scheduled pickup, and in the event the student does not arrive at the assigned stop as scheduled and misses the bus, the student is responsible for providing his/her own transportation;
2. Stand back from the road while waiting for pickup and at all times the bus is in motion;
3. Follow safe boarding procedures by only crossing roadways after the bus has activated its signals and all vehicles in both directions are completely stopped, and the driver signals that it is safe to cross;
4. Show respect for fellow students and the driver;
5. Follow directions the first time they are given;
6. Keep all objects and themselves inside the bus;
7. Refrain from throwing objects;
8. Remain seated while the bus is in motion;
9. Use assigned seats; however, seat assignments may change at the discretion of the school division;
10. Obey the driver;
11. Provide a written request from parents or guardians, subject to approval of school principal, to go home on an alternate route;
12. Meet all expectations stated in the *Code of Student Conduct*.

Bus passengers shall NOT:

1. Run beside or after a moving bus;
2. Curse, swear, talk loudly or tease;
3. Push, shove or fight;
4. Litter or damage the bus. If damage is determined, students will pay for any damage to the bus and/or equipment caused by the student;
5. Eat or drink;
6. Smoke, chew or use tobacco products or use nicotine vapor products (electronic cigarettes);
7. Chew gum;
8. Use personal electronic devices in violation of the Acceptable Use Policy or the *Code of Student Conduct*;
9. Use personal electronic devices that interfere with the safe operation of the school bus;
10. Use personal electronic devices to photograph or video other students;
11. Carry large items on the bus that will not easily fit on the student's lap.

To create an effective countywide system of bus discipline, and to maintain fair, uniform, and consistent enforcement of School Board expectations for bus conduct, each school will assign an administrator to address bus discipline referrals and use a countywide bus referral form.  
(FCPS Policy 7-3.1)

### **Teacher Removal of Students from Class**

The teacher shall have initial authority to remove a student from class for disruptive behavior that interrupts or obstructs the learning environment as provided by *Code of Virginia* §22.1-276.2. This policy is not applicable to referrals whereby students are sent from class to meet with the school administrators about a particular issue or are sent from the classroom for a limited duration of time. Nor is this policy applicable to student suspensions or expulsions. Removal from the classroom is part of a continuum of interventions available to address problems of student conduct.

Nothing herein shall preclude the immediate removal of a student for behavior that might warrant suspension or expulsion from school nor limit or restrict other regulations related to maintaining student behavior and discipline.

A teacher may initially remove a student from class using the following criteria:

1. The removal of the student by a teacher is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
  2. The removal of a student by a teacher occurs only after teacher or administrative interventions have failed to end the student's disruptive behavior. Whenever possible, teachers should seek to involve parents when disruptive behaviors are first identified.
  3. The removal of a student by a teacher is an appropriate response to student behavior that violates this *Code of Student Conduct*.
  4. The teacher gives written notice of the student's behavior to the parent.
- (FCPS Policy 7-3.1)

## Suspensions and Expulsions

The School Board may suspend or expel students from attendance at school for sufficient cause.

### Short-Term Suspensions (1-10 days)

A student may be suspended for not more than ten (10) school days by either the school principal, any assistant principal, or, in their absence, a designee. The principal or assistant principal may suspend the student after giving the student oral or written notice of the charges against him/her and, if the student denies the grounds for the charges, an explanation of the facts as known to school personnel and an opportunity to present the student's version of what occurred. In the case of any student whose presence poses a continuing danger to persons or property, or whose presence creates an ongoing threat of disruption, the student may be removed from school immediately and the notice, explanation of facts, and opportunity to present his/her version shall be given as soon as practicable thereafter.

Upon suspension of any student, the principal, or assistant principal responsible for such suspension shall report the facts of the case in writing to the superintendent, and to the parent or guardian of the student suspended.

Any notice to the parent or guardian of a student who is suspended for not more than ten (10) days shall be in writing and shall include the following information:

1. The length of the suspension;
2. The student's right to return to regular school attendance upon the expiration of the suspension; and,
3. The right to appeal 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 Fauquier County Public Schools that the student may attend during his suspension shall be borne by the parent(s) or guardian of the student.

*Sending Students Home* - Short-term suspension normally will take effect on the day after the misconduct. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption, the principal shall attempt to reach the student's parents and request that they come to the school for the student on the day of the offense.

*Suspension and School Closings* - Days when school is not in session due to scheduled closings and/or emergency closings such as inclement weather do not count toward completion of a student's assigned suspension.

*Responsibility for School Work* - Any student who is suspended shall be given the opportunity to make up missed work. It shall be the responsibility of the student to initiate the effort necessary for making up work missed. Students will receive credit for work done while on suspension when the work is received no later than the day the student returns to school.

*Trespassing* – Students who are suspended are not permitted on school property for any reason without the express permission of the building principal or superintendent.

### Short-Term Suspension Appeals Process (Suspensions of 10 days or less)

The parent or guardian has three (3) school days following written notice of suspension in which to appeal the suspension to the superintendent. Upon receipt of a written request for appeal, (Petition for Review or Hearing), the superintendent will give the principal an opportunity to address the appeal. If the appeal is not resolved by the principal, the superintendent shall review the action taken by the principal and uphold, modify or deny such action based on an examination of the record of the student's behavior. The

superintendent will determine if there is agreement regarding the material facts as reported by school administration and whether the discipline consequence assigned by school administration aligns with the *Code of Student Conduct*. The building principal will determine whether the student will be placed in class, in in-school detention or will stay at home pending the appeal determination. The decision of the superintendent is final.

#### Long-Term Suspensions (11-364 days)

A long-term suspension is any disciplinary action whereby a student is not permitted to attend school for more than ten (10) school days, but fewer than 365 calendar days. A student may be suspended from attendance at school for more than ten (10) school days after the student and his parent or guardian have been provided written notice of the proposed action and the reasons therefore and of the right to a hearing before the superintendent. Once a principal determines that a suspension of more than ten (10) school days is warranted, the principal shall suspend the student for ten (10) school days and forward to the superintendent a written request that the suspension be for more than ten (10) school days and a recommendation for the length of the long-term suspension. The student will remain at home until the superintendent has made a determination regarding the long-term suspension. The superintendent may deny, alter or uphold the principal's recommendation. Board policy allows the superintendent to require students suspended long-term to attend an alternative education program provided by the School Board for the term of the suspension. The superintendent shall notify the student and the student's parents in writing within ten (10) school days regarding the decision of the superintendent. This notice shall include the following information:

1. The length of the suspension;
2. Whether the student will be required to attend an alternative education program;
3. That the student or parent(s) or guardian may appeal the superintendent's decision regarding the long-term suspension or alternative placement to the School Board;
4. Information regarding the availability of community-based educational programs, alternative education programs or intervention programs; and,
5. The student's right to return to regular school attendance 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 Fauquier County Public Schools that the student may attend during his/her suspension shall be borne by the parent(s) or guardian of the student.

If the student or parent or guardian is satisfied with the alternative education placement, the decision of the superintendent shall be final.

#### Long-Term Appeals Process - First Level of Appeal (Appeal of Principal's Recommendation)

Following receipt of written notice of the proposed suspension from the principal by the student and his/her parent(s) or guardian, a hearing before the superintendent may be requested. This request must be in writing and made within five (5) school days of the date of receipt of the notice.

Within five (5) school days of the date of the parent(s) or guardian's request for a hearing, the superintendent shall notify the parent(s) or guardian and student of the following:

1. The time and place of the hearing;
2. The student's right to be represented by his/her legal counsel at the hearing, the cost of which services shall be borne by the parent(s) or guardian;
3. The student's right to produce witnesses and present evidence at the hearing; and,
4. That the student and parent must appear at the hearing or the appeal will be deemed to have been waived.

5. That the student will remain on suspension until the superintendent has made a determination on the appeal.

Within two (2) school days, (or as soon as practicable thereafter), following the hearing before the superintendent, the parent or guardian and student will be orally notified of the decision of the superintendent to support the recommendation of the principal, or to increase or decrease the length of the suspension. A written determination letter will follow within ten (10) school days.

#### Long-Term Appeals Process - Second Level of Appeal (Appeal of Superintendent's Decision)

If the student or parent(s) or guardian is dissatisfied with the decision of the superintendent, they may request a review of the record by the School Board by submitting a written petition to the superintendent within five (5) school days after receipt of the written decision of the superintendent. The student will remain under suspension while the appeal is pending unless the recommended time period for the suspension reflected in the decision of the superintendent expires. The School Board will have thirty (30) days from the date the written appeal is received in which to render its decision regarding the appeal of the superintendent's decision.

#### Expulsions (365 days or more)

An expulsion is any disciplinary action imposed by the School Board or a committee thereof, 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. Once a principal determines that expulsion is warranted, the principal shall suspend the student for ten (10) school days and forward to the superintendent a written request that the student be expelled. The superintendent shall conduct a hearing on the matter and may uphold, alter or deny the principal's recommendation. Every attempt will be made to schedule the superintendent's hearing during the ten (10) school day suspension. The student will remain at home until the superintendent has made a determination/recommendation regarding the expulsion. School administrators, the student and the student's parent(s)/guardian will attend the hearing; however, if the student and parent(s) fail to attend the hearing, it shall be conducted in their absence. The superintendent shall notify the student and the student's parent(s) orally within two (2) school days, (or as soon as practicable thereafter), and in writing within ten (10) school days regarding the decision. If the request for expulsion is upheld, the student and his/her parent or guardian will be provided with written notice of the proposed action and the reasons therefore and that a hearing before the School Board will be conducted. The written notice shall contain the following information:

1. The superintendent's hearing decision and recommendation to the School Board;
2. The notice of a hearing before the School Board, including time, date and location;
3. The right to representation at the hearing;
4. The right to appeal the superintendent's decision to the School Board (student and parent must attend.)
5. The right to attend the School Board hearing and notice that attendance is not required if the expulsion is not disputed;
6. The right to complete homework while the School Board hearing is pending.
7. That the student will remain suspended at home until the School Board has rendered a decision.

If the student and parent(s) or guardian(s) disagree with the proposed expulsion, a written request for an appeal hearing before the School Board must be submitted to the superintendent within five (5) school days after receipt of written notice of the proposed expulsion. The School Board shall conduct a hearing on the proposed expulsion within thirty (30) calendar days thereafter. **Regardless of whether a student exercises his or her right to a hearing before the School Board, the School Board shall confirm or disapprove every proposed expulsion.** The School Board may permit or require students expelled from school to attend an alternative education program provided by the School Board for the term of the expulsion. Within two (2) business days of the School Board hearing, the superintendent shall orally notify the student and



student's parents of the School Board decision. Written notice of the School Board decision shall be provided within thirty (30) calendar days of the decision. The written notice shall contain the following information:

1. The School Board's determination on the recommended expulsion;
2. Information concerning the availability of community-based educational programs, training programs, and intervention programs;
3. Whether the student is eligible to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by Fauquier County Public Schools, during the expulsion, and the terms or conditions of readmission;
4. The student's right to petition the School Board for readmission to be effective one (1) calendar year from the date of expulsion, and the conditions, if any, under which readmission may be granted, if the School Board determines that the student is ineligible to attend an alternative education program or adult education program during the expulsion; and,

The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the Fauquier County Public Schools that the student may attend during his expulsion shall be borne by the parent(s) or guardian of the student.

If the School Board expels a student, written notice shall advise the parent of such student that the student may petition the School Board for readmission to be effective one (1) calendar year from the date of his/her expulsion, and of the conditions, if any, under which readmission may be granted. The decision of the School Board may be appealed to the Fauquier County Circuit Court within thirty (30) calendar days of the date of the school board decision.

#### Readmission following Expulsion

A student who has been expelled may make an application for readmission no later than 45 calendar days prior and no earlier than 60 calendar days prior to one calendar year from the date of his/her expulsion. Should the application not be granted, the School Board will indicate when the student may reapply for readmission.

Board policy allows the School Board to permit or require students returning from expulsion to transition through an alternative education program before attending regular classes. Before requiring a student to attend such a program, the superintendent will provide written notice to the student and parent(s) or guardian that includes the following information:

1. That the student will be required to attend an alternative education program; and
2. That the student or parent(s) or guardian may participate in a hearing to be conducted by the superintendent regarding such placement.

**The School Board shall confirm or disapprove every request or recommendation for readmission.**  
FCPS Policy 7-3.2

#### Exclusion and Alternative Placement

##### Exclusion:

In accordance with *Code of Virginia* §22.1-277.2, the School Board has the authority to deny school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty (30) calendar days by another School Board or private school, either in Virginia or another state, or from whom admission has been withdrawn by a private school in Virginia or another state. In excluding such a student from school attendance, the School Board may accept or waive any or all conditions for readmission imposed by the sending school board pursuant to *Code of Virginia* §22.1-277.06. The School

Board may not impose additional conditions for readmission to school. The School Board may permit excluded students to attend an alternative education program for the term of such exclusion.

Before a student may be excluded from attending Fauquier County Public Schools, the superintendent shall conduct a hearing on the matter. School administrators, the student and the student's parent(s)/guardian will attend the hearing; however, if the student and parents fail to attend the hearing, it shall be conducted in their absence. The superintendent shall issue written notice to the student and parent(s) or guardian that includes the following information:

1. That the student may be subject to exclusion and the reasons therefore;
2. That, in the event of such exclusion, the student and his or her parent(s) or guardian have the right to appeal the decision at a hearing before the School Board; and
3. That the superintendent has conducted a review of the case and will make a recommendation to the School Board, including whether the student may attend alternative school, regarding the proposed exclusion.

If the student and parent(s) or guardian disagrees with the recommended exclusion, a written request for an appeal hearing before the School Board must be submitted to the superintendent within five (5) business days after receipt of written notice of the recommended exclusion. The School Board shall conduct a hearing on the recommended exclusion within thirty (30) calendar days thereafter.

**Regardless of whether a student exercises his or her right to a hearing before the School Board, the School Board shall confirm or disapprove every recommended exclusion.** As noted above, the School Board may permit or require students excluded from attendance at school to attend an alternative education program provided by the School Board for the term of the exclusion.

The School Board shall orally notify the student and his or her parent(s) or guardian of its decision within two (2) business days following the hearing. Written notice of the School Board decision shall be provided within thirty (30) calendar days of the decision. The written notice shall contain the following information:

1. The length of the exclusion;
2. 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 Fauquier County Public Schools, during or upon the expiration of the exclusion, and the terms or conditions of such readmission;
3. The student's right to petition the School Board for readmission; if admission is denied, within (1) calendar year from the date of exclusion, and the conditions, if any, under which readmission may be granted, if the School Board determines that the student is ineligible to return to regular school attendance or to attend an alternative education program or adult education program during the exclusion;
4. Information concerning the availability of community-based educational programs, training programs, and intervention programs; and,
5. The right to appeal the decision of the School Board to the Fauquier County Circuit Court.

The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the Fauquier County Public Schools that the student may attend during his exclusion shall be borne by the parent(s) or guardian of the student.

Alternative Placement - Criminal Matters:

The *Code of Virginia* §22.1-277.2:1 states that the School Board may require any student who 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 division superintendent pursuant to *Code of Virginia* §16.1-260(G), to attend an alternative

education program. The School Board may require such student to attend such programs regardless of where a non-school related crime occurred. The School Board has delegated the authority to alternatively place students charged or found guilty or not innocent of a crime to the superintendent.

If the student and parent(s) or guardian disagrees with the recommended alternative placement, a written request for an appeal hearing before the School Board must be submitted to the superintendent within five (5) business days after receipt of written notice of the recommended alternative placement. The School Board shall conduct a hearing on the appeal within thirty (30) calendar days thereafter.

#### Alternative Placement – Discipline Matters:

School Board policy and state law allow the School Board and superintendent to require students suspended pursuant to *Code of Virginia* §22.1-277.05 (Long-term suspensions), or expelled pursuant to *Code of Virginia* §§22.1-277.06 (Expulsions), 22.1-277.07 (Expulsions in compliance with Gun-Free Schools Act) or subsection B of 22.1-277 to attend an alternative education program provided by the School Board for the term of the discipline sanction.

Additionally, upon a finding that a student presents a danger to the school community of Fauquier County Public Schools, the student may be placed in an alternative academic setting. The superintendent considers such placements on a case-by-case basis.  
(FCPS Policy 7-3.1)

### **Reporting Procedures**

Except as otherwise may be required by federal law, regulation, or jurisprudence, and as required by *Code of Virginia* §22.1-279.3:1, the principal of each school shall collect and maintain information on the events which occur on school property, on a school bus, or at a school sponsored activity, and shall report the information semiannually to the division superintendent on dates established by the division superintendent. The division superintendent shall submit annually to the Virginia Department of Education, on forms provided by the Department, an aggregate report of such incidences as prescribed by the Department. In submitting reports of such incidents, principals and the division superintendent will accurately indicate any offenses, arrests or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to applicable law. Fauquier County Public Schools principals shall report to local law enforcement officials such incidents as are prescribed by applicable law and policy.

### **Conduct: Extracurricular/Co-curricular Activities**

Extracurricular activities are those activities that supplement the regular school curriculum, do not carry credit towards graduation, and are joined voluntarily by students. Extracurricular activities are generally developed according to the needs and interests of students and may take the form of special interest groups, honor societies, publications, athletic teams, and other extensions of classroom work. All extracurricular activities are designed to promote character-building qualities of participation and leadership.

All school rules and regulations are in effect during extracurricular and co-curricular activities, whether held on campus or away from school. (Co-curricular activities are activities directly related to classroom instruction, such as choral or band concerts/presentations.) Students are not permitted to participate in organizations and engage in related activities to the detriment of their classroom work. All student organizations and extracurricular and co-curricular activities are under the supervision of the school principal and are officially recognized and sanctioned by the Fauquier County School Board.

The School Board anticipates that students who represent the school division as participants in extracurricular or co-curricular activities will conduct themselves in a responsible and respectful manner at all times generally, and specifically abstain from the use of alcohol, tobacco products (including nicotine vapor products), and illegal drugs. Further, the School Board expects coaches, activity sponsors, and administrators to work in unison to promote proper student behavior by clarifying the rules governing

student participation in athletics and activities and uniformly enforcing consequences for students who fail to meet them.

(FCPS Policy 7-3.1)

Guidelines for Student Participation in Extracurricular and Co-curricular Activities

1. Students suspended from school are excluded from extracurricular or co-curricular activities as defined in the Conduct Violations and Accompanying Consequences section herein. Students may not participate in nor attend extracurricular or co-curricular activities if they are under suspension for violations of the *Code of Student Conduct*.
2. Students suspended from school will be excluded from participation in extracurricular and co-curricular activities in accordance with the suspension consequences specified herein. Students on suspension for the use and/or possession of alcohol and/or illegal drugs are not allowed to participate nor attend extracurricular or co-curricular activities for the period of the suspension and for a period of 45 calendar days from the time of the infraction.
3. The principal and/or activities director will establish rules governing student participation in athletics and activities, which will be distributed and discussed with participants prior to the beginning of the activity. Students are expected to comply with these rules and may forfeit their eligibility through noncompliance.
4. Students must attend all scheduled classes or an approved school activity on the day of competition/activity to be eligible to participate in extracurricular or co-curricular activities on that day. The principal may make exceptions to this standard for students with extenuating and/or unusual circumstances.
5. For grades 9-12, students assigned to detention by teachers and/or administrators must report the detention to the coach or sponsor. The principal, the activities director, and the coach/sponsor will determine if any additional action is to be taken concerning the student's participation in the scheduled activity.
6. For grades 9-12, students assigned to In-School Detention lose the right to participate in competitions or performances on the days that they serve; however, students may participate in practices/rehearsals on days they are assigned to ISD. The student must report the disciplinary action to the coach/sponsor.
7. For grades K-8, students assigned to In-School Detention lose the right to participate in extracurricular activities on the days that they serve.
8. Students in grades 9-12 participating in interscholastic competition in any and all activities governed by Virginia High School League (VHSL) rules shall meet the eligibility requirements of the VHSL.
9. Students in grades 6-8 must attend four of the seven periods in the school day to participate with the athletic team that day. In extenuating circumstances, the principal may grant an exception. The principal's decision is final in the determination of a student being eligible for participation in extracurricular and co-curricular activities.

(FCPS Regulation 7-3.1B)

### Eligibility Relative to Court Disciplinary Action(s)

1. School officials may suspend a student from participation in extracurricular and co-curricular activities who has been charged with a misdemeanor or felony involving violence, assaults on other individuals, use or possession of a weapon(s), possession/use and/or distribution of alcohol, and/or illegal drugs until disposition of the charges by the court.
2. Within 48 hours of being charged with an offense described above, the student must report the incident to the coach/sponsor who will present the facts as known to the school administration to determine eligibility for participation.
3. School officials may deny participation in all extracurricular or co-curricular activities to any student convicted or found "not innocent" of a misdemeanor involving violence, assault on other individuals, use or possession of weapons, use/possession and/or distribution of alcohol and/or illegal drugs. The student may appeal to the principal for reinstatement in other activities for the following season.
4. Students found guilty or "not innocent of" any felony charges may be denied participation in extracurricular or co-curricular activities.
5. The principal's decision is final in the determination of a student being eligible for participation in extracurricular or co-curricular activities.  
(FCPS Regulation 7-3.1B)

### **Compulsory Attendance**

#### General Requirements

It is the duty of every parent, guardian, or other person in Fauquier County having control or charge of any child who has reached his/her fifth birthday on or before September 30 of any school year and who has not passed his/her eighteenth birthday to ensure that child shall attend a public, private, denominational, or parochial school, be taught by tutor or teacher meeting the qualifications prescribed by the Board of Education and approved by the superintendent, or be provided home instruction as described in *Code of Virginia* §22.1-254. Principals and the superintendent shall follow all legal requirements with regard to the compulsory school attendance reporting requirements of state law. Non-compliance with the state regulations will lead to disciplinary action, where appropriate, by the principal and the superintendent. Note: In accordance with §22.1-277(a) of the *Code of Virginia*, no student may be suspended from school only for instances of truancy.

#### Exemptions

All students age 5 to 18 shall attend school regularly as set forth in §22.1-254 of the *Code of Virginia*, except those granted an exemption from school attendance under the provisions of state law.

1. The School Board may release students from school in compliance with state law and Virginia Board of Education regulations, including but not limited to those students who:
  - a. satisfy all legal requirements for home schooling;
  - b. are enrolled in qualified alternative programs;
  - c. have received a high school diploma or its equivalent;
  - d. the School Board determines, in accordance with regulations of the State Board of Education, cannot benefit from education at school;
  - e. together with their parents and by reason of bona fide religious training or belief, are conscientiously opposed to attendance at school;

- f. based on a recommendation from the Fauquier County Juvenile and Domestic Relations District Court, should be excused by reason of concern for the students' health, as verified by competent medical evidence, or by reason of the students' reasonable apprehension for personal safety when such concern or apprehension in those students' specific cases is determined by the Court, upon consideration of the recommendation of the principal and superintendent, to be justified; or
  - g. are excused by the Fauquier County Juvenile and Domestic Relations District Court following the Court's determination that they cannot benefit from education.
2. Compulsory attendance regulations shall not apply to children under 10 years of age who live more than two miles from a Fauquier County Public School, unless public transportation is provided within one mile of the place where they live; nor to children between 10 and 17 years of age who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half miles of the place where the children live. Compulsory education distances shall be measured or determined by the nearest practical routes usable for either walking or riding from the entrance to the school grounds, or from the nearest school bus stop to the residence of the children.
  3. 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:
    - a. The student must be at least sixteen years of age.
    - b. There shall be a meeting of the student, the student's parents, and the principal to develop the plan, which must include career guidance counseling, mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the School Board with attendance reported to the principal, counseling on the economic impact of failing to complete high school, and procedures for re-enrollment.
    - c. 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 deemed in violation of the compulsory attendance laws, and the superintendent or attendance officer shall seek immediate compliance with the compulsory attendance laws.
    - d. Any child who will not have reached his sixth birthday on or before September 30 may be exempted from school attendance until the following year if the parent notifies the School Board, or its designee, because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school.
  4. Children suffering from contagious or infectious diseases shall be exempt from compulsory attendance when the physical incapacity is established by a written statement from a physician or nurse practitioner treating the child, giving the reason(s) for the student's inability to attend school.
  5. Children whose immunizations against communicable diseases have not been completed may be excluded from school attendance unless such children have been exempted from immunization requirements. Any parent, guardian or other person having control or charge of a child being exempted or excused from school attendance shall comply with the immunization requirement provided in §32.1-46 of the *Code of Virginia* in the same manner and to the same extent as if the child has been enrolled in and is attending school.
  6. The School Board may, in accordance with the procedures set forth in *Code of Virginia*, §22.1-276.01 et seq. and School Board policy and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the School Division pursuant to *Code of Virginia*, §16.1-260(G); (iii) suspended pursuant to *Code of Virginia*, §22.1-277.05; or (iv) expelled

from school attendance pursuant to *Code of Virginia* §§22.1-277.06, 22.1-277.07, or subsection B of §22.1-277, require a student to attend an alternative education program as provided by *Code of Virginia*, §22.1-209.1:2 or §22.1-277.2:1.

All other exemptions from compulsory attendance granted by the School Board shall be in accordance with state law.

### Requesting Exemptions

Any request for exemption from attendance shall be presented annually in writing to the superintendent.

### Attendance Philosophy

Attendance is one of the most significant factors affecting student achievement and on-time graduation. It is the responsibility of every educator, parent, and stakeholder to address attendance concerns as they arise. Communication between schools and families is essential for student success.

### Other Attendance Requirements

For absences of any description, schools will implement the following actions:

1. For middle and high schools, when students accumulate six (6) absences, the school shall:
  - a. Contact the parent/guardian, documenting the file
  - b. (Optional) Schedule a conference with parent/guardian to resolve any potential chronic absenteeism issues
  - c. Provide the parent/guardian the student's attendance history and Fauquier County Public Schools attendance policy information
2. For all schools, when students accumulate ten (10) absences, the school shall:
  - a. Send a letter to the parent/guardian and attempt personal contact.
  - b. (Optional) Schedule a conference within five (5) school days to develop a plan for attendance improvement. At a minimum, a phone conference should be held and documented.
  - c. Inform the parent/guardian of the attendance policy to attend school all day, every day
3. For all schools, when a student accumulates fifteen (15) absences, the school shall:
  - a. Send a letter to parent/guardian stating:
    - (1) Absences have been determined chronic due to
      - (a) failure of parent to cooperate with the attendance improvement plan, and/or
      - (b) parent has been unable to control/supervise the child with regard to school attendance;or
    - (2) Absences have been determined not to be a chronic issue because of
      - (a) cooperation of the parent/guardian, and/or
      - (b) extenuating circumstances show absences to be reasonable and not contrary to compulsory attendance law.
  - b. If absences are considered a failure to comply with compulsory attendance law, a referral will be sent to Student Services, and one or more of the following actions will occur:
    - (1) referral to a Student Support Team (SST) or other appropriate intervention;
    - (2) initiation of court proceedings against the child (Child in Need of Supervision); and/or
    - (3) initiation of court proceedings against the parent/guardian (*Code of Virginia*, Sections 18.2-371, 22.1-279.3)

4. When attendance issues are considered to be truancy, in that parents are unaware or not supporting the student's absences, a plan will be developed on the fifth (5<sup>th</sup>) absence and on the sixth (6<sup>th</sup>) absence an SST or interdisciplinary team meeting will be scheduled and held no more than fifteen (15) days after the 6<sup>th</sup> absence. Additional absences will result in continued interventions which may include the initiation of court proceedings.
5. Building administrators may make the referral to Student Services at his/her discretion prior to the 15<sup>th</sup> absence.

*Additional Attendance Requirements*

1. Fauquier County Public Schools will treat tardiness, early dismissals, late arrivals to class, and failure to attend all assigned classes (class cuts) with the same seriousness as the school division addresses truancy.
2. Course credit in high school must be based on a minimum of 140 clock hours of instruction, pursuant to 8 VAC 20, 131-110, Standards for Accrediting Public Schools in Virginia. Therefore, any student who misses more than 10 days in a class may fail due to absences.
3. Once a student arrives on school property, he/she may not leave without administrative permission prior to the end of the regularly scheduled day.

Any parent aggrieved by a decision of the superintendent may appeal his or her decision to an independent hearing officer in accordance with §22.1-254.1(E) of the *Code of Virginia*.  
(FCPS Policy 7-2.1)



## **NON-DISCRIMINATION CLAUSE/EQUAL EDUCATIONAL OPPORTUNITIES**

The Fauquier County Public Schools' educational programs and services shall be designed to meet the varying needs of all students and shall not discriminate against any individual for reasons of race, religion, color, gender, national origin, disability, or on any other basis prohibited by law. Further, no student shall, on the basis of gender, be excluded from participating in, be denied the benefits of, be limited in the exercise of any right, privilege or advantage, or be subjected to discrimination under any educational program or activity conducted by the school division. The School Board encourages school division employees, patrons and students to report promptly all incidents of alleged discriminatory conduct. Inquiries regarding compliance may be directed to the Assistant Superintendent for Student and Special Education Services, (540) 422-7141; Title IX Coordinator, (540) 422-7141; or Section 504 Coordinator, (540) 422-7143. These inquiries may also be addressed by sending a written request to the appropriate contact at 430 E. Shirley Avenue, Warrenton, VA 20186.