

Subject: Student Discipline Hearings Policy Reference: JGD/JGE, JFC, JEC Strategic Plan Goal Reference: Goal 5	Date: March 27, 2008 Enclosures: Summary charts and policies REASON FOR CONSIDERATION: Action Information X
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Background (Purpose)

At the student discipline workshop on January 28, 2008, the Board focused on two areas: legal considerations for the conduct of school board discipline hearings; and discussion of the current discipline system with respect to the purposes of hearing officer and board level hearings, preparation and documentation at hearings, and the kinds of cases being referred to the Board. Due to time limitations, the Board was unable to discuss the discipline committee model of board hearings. As follow-up work, the Board requested an additional work session on student discipline matters and draft revisions of the discipline policies informed by an examination of other school divisions' policies.

For this work session, staff will focus on the following:

- (1) Providing a brief legal overview of the discipline committee model of board hearings and facilitating Board discussion on this topic. (20 minutes suggested)
- (2) Highlighting and facilitating discussion on significant areas of change to policies JGD/JGE, JFC and JEC based on board counsel's initial recommendations. (25 minutes suggested)
- (3) Providing a brief legal overview of allowing hearing officers, rather than the Board, to hear some or all cases involving firearms, pneumatic guns and drug cases and facilitating discussion on this topic. (10 minutes suggested)
- (4) Seeking input from the Board on any matters it would like to have addressed in the principals' discipline handbook being prepared by a subcommittee of the Student Behavior Management Committee. (5 minutes suggested)

Table #1 is based on a review of five school districts' discipline policies. Alexandria, Chesterfield, Fairfax and Henrico were selected based on the known quality of their legal counsel; Loudoun was selected because it is a member of the Division's adopted competitive market.

Table #2 summarizes the significant proposed changes to policy JGD/JGE, given the many edits to this policy draft. Changes made solely to conform our policy to applicable language in the Virginia Code are not reflected in this summary.

Draft blacklined versions of policies JGD/JGE, JFC and JEC are included for the Board's informal, initial reading and feedback.

Administrative Consideration (Rationale)

- (1) Discipline Committee Model of Board Hearings. Under Virginia Code §§22.1-277.05 and 22.1-277.06, school boards may create a discipline committee composed of at least 3 board members to hear long-term suspension and expulsion cases. If the decision of a discipline committee is not unanimous, the parent may appeal to the full school board. Appeals may be decided by the full board based on either a records review or an additional hearing. Table #1 indicates which school divisions use discipline committees and, if available, their appeal procedures for committee decisions.
- (2) Policy Revisions to JGD/JGE, JFC and JEC. Draft revisions to policies JGD/JGE, JFC and JEC have been made in blackline format. These reflect the initial recommendations of board counsel based on prior guidance from the Board and consultation with the Superintendent. Feedback from principals has been solicited at a discipline-focused K-12 principals' meeting on March 18, 2008 and may, at the Board's discretion, be solicited from the subcommittee of the Student Behavior Management Committee that has been tasked with developing a principals' handbook on student discipline.
- (3) Option Regarding Firearms, Pneumatic Guns and Drug Cases. Virginia Code §§22.1-277.07 and 277.08 require that students possessing firearms (see the definition of "firearm" in JGD/JGE), pneumatic guns or controlled substances (including marijuana) onto school property, buses or at school-sponsored events be expelled for one year unless the school board determines "based on the facts of a particular case, that special circumstances exist and another disciplinary action is appropriate." Boards may, by regulation, allow "the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate." If the superintendent or designee (hearing officer) determines that lesser discipline is appropriate, the discipline would be imposed without further review by the Board unless the parent appeals the decision to the Board. Table #1 provides information about how the five surveyed districts have permitted their superintendents/designees to hear these cases.
- (4) Guidance for Principals' Handbook on Student Discipline. A subcommittee of the Student Behavior Management Committee made up of regular committee members and other interested building administrators is developing a handbook to guide administrators on day-to-day discipline matters and preparation for school board and hearing officer hearings. Staff seeks input from the Board about any specific issues concerning the hearing process or preparation that it would like the subcommittee to address in the handbook.

Budget Implications (Short and Long Term)

There are no known budget implications at this time.

Recommendation/Future Direction/Time Line

After receiving further input from principals on policies JGD/JGE and JFC, all three policies will be finalized for an official first reading by the Board and adoption later this spring.

PREPARED: Annie Kim, School Board Attorney

REVIEWED: _____ ITEM NUMBER:

RECOMMENDED:

Summary of Discipline Policy Provisions from Other School Boards

District Name	Discipline Committee?	Firearms/Pneumatic Guns (Who determines “special circumstances” for discipline other than expulsion?)	Drugs (Who determines “special circumstances” for discipline other than expulsion?)	Can 1-10 Day (Short-Term) Suspensions Be Appealed and How?
Alexandria	Yes Policy JGD/JGE: Disciplinary committee reviews suspensions and expulsions.	Policy JGD/JGE: School administrator pursuant to school board policy or the School Board.	Policy JFCF – Drugs Based on VSBA policy (Option 2). Superintendent/designee may determine.	Yes Policy JGD/JGE: Appeals made to the superintendent or designee & superintendent’s decision is final.
Fairfax County	Yes Policy 2611.7: “Hearing Committee” hears suspensions and expulsions. If their vote is not unanimous, parent appeals in writing to full School Board and Superintendent responds in writing. Appeal decided on the records at the next SB meeting, if possible.	Regulation 2610.21P: Firearms and pneumatic guns treated as “statutory weapons.” Superintendent “may conduct a hearing...to determine whether a disciplinary action other than expulsion is appropriate.”	Regulation 2610.21P: Superintendent “may conduct a hearing...to determine whether a disciplinary action other than expulsion is appropriate.” Both alcohol and drug offenses have mandatory minimum discipline and/or ranges depending on 1 st or subsequent, or possession vs. manufacture or distribution.	Yes Regulation 2610.21P: Does not use in-school suspensions as such. Out-of-school suspensions may be appealed: (1) to principal; and if affirmed (2) by written notice to Hearings Office, which decides whether to conduct a hearing. Its decision is final.
Chesterfield	Yes Regulation 401.1: School Board chair may “elect” to appoint a discipline committee to hear expulsion* cases. If vote is not unanimous, parent appeals in writing. Appeal decided on the records w/in 30 days.	Regulation 401.1: Superintendent’s designee may conduct preliminary review to determine whether special circumstances exist. Discipline may be implemented if it’s consistent with policy.	Regulation 401.1: Superintendent’s designee may conduct preliminary review to determine whether special circumstances exist. Discipline may be implemented if consistent with policy. Alcohol & drug offenses have mandatory discipline depending on 1 st or subsequent.	Yes Regulation 401.1: Calls in-school suspensions “in-school detention,” which appear to be unappealable. Out-of-school suspensions may be appealed in writing: (1) to principal; and if affirmed (2) to Superintendent’s designee, who decides whether to conduct a hearing. His decision is final.

Summary of Discipline Policy Provisions from Other School Boards

District Name	Discipline Committee?	Firearms/Pneumatic Guns (Who determines “special circumstances” for discipline other than expulsion?)	Drugs (Who determines “special circumstances” for discipline other than expulsion?)	Can 1-10 Day (Short-Term) Suspensions Be Appealed and How?
Henrico	No	Policy P6-05-003 & Reg.: Superintendent, designee or the School Board may determine special circumstances exist.	Policy P6-05-002 & Reg.: Implicitly authorizes school administrators to determine whether special circumstances exist. Both alcohol and drug offenses have recommended discipline depending on whether it's a 1 st or 2 nd offense, and whether it's possession or possession with intent to distribute.	Yes Policy P6-06 Discipline: In-school suspensions may be appealed in writing to the principal, whose decision is final. If the principal made the initial decision, appeal goes to the disciplinary hearing officer (DRHO). Out-of-school suspensions may be appealed in writing: (1) to principal; and if affirmed (2) to DRHO, who decides whether to conduct hearing. DRHO's decision is final.
Loudoun	Yes Policy 2-27: Discipline committee hears suspension and expulsion cases. If vote is not unanimous, parent appeals in writing. Full School Board holds hearing on appeal.	Policy 8-32 Weapons: Firearms are “Category A” weapons; other weapons are “Category B.” Superintendent, designee or the School Board may determine special circumstances exist.	Policy 8-36 Drugs: Superintendent or designee determines whether special circumstances exist. Both alcohol and drug offenses have guidelines for discipline based on whether 1 st or subsequent offense.	Yes Policy 8-27: No mention of in-school suspensions. Out-of-school suspensions may be appealed in writing: (1) to principal; (2) then to DRHO who decides whether to conduct hearing. DRHO's decision is final.

Background: Virginia Code §§22.1-277.07 and 277.08 require that students possessing/bringing firearms (defined broadly), pneumatic guns or controlled substances (including marijuana) be expelled for one year unless the school board determines “based on the facts of a particular case, that special circumstances exist and another disciplinary action is appropriate.” The statutes also permit boards to allow, by regulation, “the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.”

* Long-term suspensions appealed to the Discipline Committee are reviewed on the records without a hearing.

Summary of Significant Proposed Changes to Policy JGD/JGE

Current Policy Provisions	Proposed Draft for School Board & Principals' Consideration
In-school suspensions can be appealed to the <u>hearing officer</u> .	In-school suspensions can be appealed only to the <u>principal</u> , although the principal may choose to refer to the hearing officer . Principal's decision is final.
Short-term suspensions appealed to the hearing officer always result in a <u>hearing</u> with the hearing officer.	The hearing officer decides <u>whether a hearing is necessary</u> to determine an appeal of a short-term suspension. If not necessary, the hearing officer will review the case based on the records.
Short-term suspensions can be appealed simply by <u>telling</u> a principal that an appeal is requested. There is <u>no time limit</u> for appeals.	Short-term suspensions must be appealed by submitting a <u>written notice of appeal explaining briefly the reasons for the appeal</u> within <u>2</u> school days of the first day of suspension. Principals may waive the written notice requirement if needed.
Long-term suspensions can be appealed simply by <u>telling</u> a principal that an appeal is requested. There is <u>no time limit</u> for appeals.	Long-term suspensions must be appealed by submitting a <u>written notice of appeal explaining briefly the reasons for the appeal</u> within <u>10</u> school days of the first day of suspension. Principals may waive the written notice requirement if needed.
Short-term suspensions imposed by a <u>hearing officer</u> after a principal's initial suspension can be appealed.	Short-term suspensions imposed by a hearing officer <u>cannot</u> be appealed.
<u>School board hearing procedure</u> : parents do not have any duty to provide a copy of relevant documents to the school board.	School board hearing procedure: parents must provide a copy of all <u>documents</u> they wish the school board to consider 1 business day in advance of the hearing.
Students who are expelled do not have a prescribed schedule within which they may apply for <u>readmission</u> .	Students who are expelled wishing to be readmitted must apply for readmission <u>6-8 weeks prior to the end of the 1 calendar year</u> of expulsion.
Provisions the <u>admission/exclusion</u> of students suspended or expelled by other school divisions.	These provisions have been moved, with modifications, to Policy JEC.

TABLE #2

STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy:

“Alternative education program” shall include, but shall not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Destructive device” means (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter **that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code §18.2-299 or any firearm prohibited from civilian ownership by federal law;** and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. “Destructive device” shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, **nor shall it include any antique firearm as defined in subsection G of Va. Code §18.2-308.2:2.**

“Disciplinary Hearing Officer” means a designee of the Superintendent authorized to impose discipline and review appeals of discipline in accordance with this Policy.

“Disruptive behavior” means a violation of School Board policies 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, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.~~

“Expulsion” means any disciplinary action imposed by the School Board whereby a student is not permitted to attend school within the School Division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

“Firearm” means any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code ~~see~~ §18.2-308.1, as listed below:

- i. **“Stun weapons,” defined as any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.**
- ii. **Knives, except a pocket knife having a folding metal blade of less than three**

inches.

- iii. Any weapon, including a weapon of like kind, designated in subsection A of § Va. Code 18.2-308, other than a firearm, including: (a) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (b) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; and (c) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart.

“Firearm” also includes (1) ~~A~~any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel a single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; ~~(3) any firearm muffler or firearm silencer; or (4) any destructive device; or (5) and (3)~~ any unloaded firearm in a closed container. **“Firearm” does not include any pneumatic gun as defined in this policy. (See page 6, Section V(B)(2) “Firearms and Pneumatic Guns” for information about implementation and exemptions).**

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

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

“Parent” or “parents” means any parent, guardian or other person having control or charge of a minor child.

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

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

“Short-term suspension” means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days, **but does not include in-school suspension.**

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause. **Examples of conduct that may constitute sufficient cause are set forth in JGD/JGE-AP.**

Any student for whom the Superintendent has received a report pursuant to Va. Code ~~see~~ §16.1-305.1 of an adjudication of delinquency or a conviction may be suspended or expelled from

school attendance.

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

III. SHORT-TERM SUSPENSIONS

A. General Requirements for Short-Term Suspensions

A pupil may be suspended for not more than ten school days ("**short-term suspension**") by the school principal, any assistant principal, or, in their absence, any teacher designated by the principal to have such responsibility. **After an initial short-term suspension, an additional short-term suspension may be imposed by the Disciplinary Hearing Officer in accordance with this Policy.** The principal, assistant principal, ~~or~~ teacher, **or Disciplinary Hearing Officer** may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred.

In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall notify the pupil and his parent of the suspension and the reasons therefore and of the right of a hearing before the **Disciplinary Hearing Officer Superintendent/Designee**. ~~Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days~~ **This oral or written notice shall include: (1) notification of the length of the suspension, (2) information regarding the availability of community-based educational programs, alternative education programs or other educational options, if applicable, and (3) information about the student's right to return to regular school attendance upon the expiration of the suspension.** The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the School Division, shall be borne by the parent of the student.

B. Review of Short-Term Suspensions

The parent of a student or the student, himself, if he is eighteen years or older, may appeal a short-term suspension imposed by a principal, assistant principal or teacher by submitting a written notice to the principal no later than two (2) school days after the first day of the suspension. This notice must include a brief explanation of why the suspension should be disapproved. The principal may waive the requirement that the notice be written if the parent is unable to prepare a written notice.

Upon receiving notice as provided above, the Disciplinary Hearing Officer Superintendent/Designee shall promptly review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest the

discipline and confirm or disapprove ~~such action~~ it based on an examination of the record of the pupil's behavior and other relevant factors. At the discretion of the Disciplinary Hearing Officer, a hearing may be conducted. ~~The decision of the Superintendent/Designee may be appealed to the School Board for suspension of more than ten days. For suspensions of less than ten days, the decision of the Superintendent/Designee is final.~~

The parent of a student or the student, himself, if he is eighteen years or older, may appeal an "in-school suspension" imposed by a principal, assistant principal or teacher by informing the principal no later than two (2) school days after the first day of the "in-school suspension." Upon being informed of the appeal, the principal shall promptly review the discipline and confirm or disapprove it based on an examination of the record of the pupil's behavior and other relevant factors, including a hearing, if deemed necessary by the principal. If the principal was the administrator that imposed the original discipline, he may, at his discretion, request the Disciplinary Hearing Officer to decide the appeal in accordance with this section. The decision on appeal, whether made by the principal or by the Disciplinary Hearing Officer, is final.

C. Additional Short-Term Suspensions by the Disciplinary Hearing Officer

The Disciplinary Hearing Officer may impose a short-term suspension in addition to any discipline imposed by a principal, assistant principal or teacher in all cases referred by the principal for additional discipline.

Prior to suspension, the student must be given oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. Short-term suspensions imposed by the Disciplinary Hearing Officer are final.

IV. LONG-TERM SUSPENSION

A. General Requirements for Long-Term Suspensions

A pupil may be suspended from attendance at school for more than ten days ("long-term suspension") by the Disciplinary Hearing Officer or the School Board after written notice is provided to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before ~~the Superintendent/Designee and, if applicable,~~ the School Board.

The written notice of a suspension for more than ten days shall include notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs if applicable. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the School Division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring

students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

B. Review of Long-Term Suspensions

The parent of a student or the student, himself, if he is eighteen years or older, may appeal a long-term suspension imposed by the Disciplinary Hearing Officer by submitting a written notice to the Superintendent no later than ten (10) school days after receipt of the Disciplinary Hearing Officer's decision letter. Suspensions imposed by the School Board may not be appealed by administrative means.

The notice must include a brief explanation of why the Disciplinary Hearing Officer's suspension should be disapproved. The Disciplinary Hearing Officer may waive the requirement that the notice be written if the parent is unable to prepare a written notice. Within thirty (30) calendar days of receiving the required notice, the School Board will conduct a hearing on the appeal and reach a decision.

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school **by the School Board upon the recommendation of the Superintendent and** after written notice to the pupil and his parent of the proposed action, ~~and the reasons therefore and of the right to a hearing before the School Board. in accordance with the regulations of the School Board. The regulations shall provide for subsequent confirmation or disapproval of the proposed expulsion by the School Board regardless of whether the pupil has exercised the right to a hearing.~~

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

Hearings will be conducted in accordance with Section VI of this Policy. Regardless of whether the pupil has exercised his right to a hearing, the School Board shall confirm or disapprove the Superintendent's recommendation for expulsion and provide its decision in writing to the pupil and his parent.

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

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

B. Conduct Giving Rise to Expulsion

1. General Considerations for Expulsion

Recommendations for expulsions for actions other than those specified below **in Sections V.(2) and (3)** shall be based on consideration of the following factors:

- a) the nature and seriousness of the conduct;
- b) the degree of danger to the school community;
- c) the student's disciplinary history, including the seriousness and number of previous infractions;
- d) the appropriateness and availability of an alternative education placement or program;
- e) the student's age and grade level;
- f) the results of any mental health, substance abuse, or special education assessments;
- g) the student's attendance and academic records; and
- h) other appropriate matters.

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

2. Firearms and Pneumatic Guns

The School Board shall expel from school attendance for a period of not less than one year any student whom such School Board has determined to have ~~brought~~ **possessed on school property or at a school-sponsored activity any of the following weapons:**

- a) ~~Aa~~ **firearm onto school property or to a school-sponsored activity as prohibited by Va. Code §22.1-277.07 (referencing see. §18.2-308.1), or to have brought. Under this statute, the following weapons are considered "firearms" prohibited on school property or a school sponsored activity:**
 - (i) **"Stun weapons," defined as any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.**
 - (ii) **Knives, except a pocket knife having a folding metal blade of less than three inches.**
 - (iii) **Any weapon, including a weapon of like kind, designated in subsection A**

of Va. Code §18.2-308, other than a firearm. This includes: (a) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (b) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; and (c) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart.

- b) A “firearm” as defined in this policy (see definition on pages 1-2).
- c) A “destructive device” as defined in this policy (see definition on page 1),
- d) A firearm muffler or firearm silencer.
- e) A “pneumatic gun” as defined in this policy (see definition on page 2). ~~on school property or to a school-sponsored activity.~~

The expulsion requirements of this section shall not apply under the following circumstances (from Va. Code §18.2-308.1):

- a) persons who possess such weapon or weapons as a part of the school's curriculum or activities;
- b) a person possessing a knife customarily used for food preparation or service and using it for such purpose;
- c) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises;
- d) any person who possesses a knife or blade which he uses customarily in his trade;

The School Board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate.

The provisions of this policy shall not apply to persons who possess such firearm or firearms as a part of the curriculum or other programs sponsored by the schools in the School Division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

3. Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code ~~sec.~~ §18.2-247 onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case, that special

circumstances exist and another disciplinary action is appropriate. In addition, the Disciplinary Hearing Officer may conduct a preliminary review of the discipline to determine if disciplinary action other than expulsion is appropriate. If disciplinary action other than expulsion is deemed appropriate, it shall be imposed in accordance with this Policy and Policy JFC.

VI. SCHOOL BOARD HEARINGS: LONG-TERM SUSPENSIONS AND EXPULSIONS

A. Cases That Must Be Heard by the School Board

Pursuant to the Virginia Code and this Policy, the School Board must hear all cases involving the possession of firearms, pneumatic guns or controlled substances except as otherwise provided in Section V.B. The principal shall refer all such cases to the Disciplinary Hearing Officer for an initial hearing.

B. Cases That May Be Heard by the School Board

The following offenses may, after an initial hearing by the Disciplinary Hearing Officer, be referred to the School Board for a hearing due to their seriousness and impact on the School Division:

- 1) second time offenses involving alcohol;
- 2) second time offenses with weapons other than the mandatory firearm and pneumatic gun cases (see Section V. B. 2);
- 3) serious fights involving students and/or staff;
- 4) bomb and other lethal threats to students and/or staff;
- 5) serious offenses that have resulted in criminal charges;
- 6) racially motivated offenses; and
- 7) other offenses of a significant nature as determined by the Disciplinary Hearing Officer.

C. Procedures for School Board Hearings

1. Documents in Support of Hearing

The Superintendent shall transmit a copy of all documents that the School Division intends to use at the hearing to the School Board and the parent of the student in advance of the hearing. No later than one (1) business day prior to the hearing, the parent of the student must submit to the Superintendent a copy of all documents that he intends to use at the hearing.

2. Procedures for Hearing

The School Board shall determine the propriety of attendance at the hearing, ~~of persons not having a direct interest in the hearing. The hearing which~~ shall be private unless otherwise specified by the School Board. **Both the School Division and the student may be represented by their legal counsel or by another representative.**

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

~~The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first.~~

The School Division shall present its evidence first, followed by the student. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.

The parties shall produce such additional evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.

Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made part of the record.

The School Board may, by majority vote, uphold, reject or alter the recommendations.

The School Board shall transmit its decision, including the reasons therefore, to the student, his parent(s), the principal and Superintendent.

VII. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the Superintendent of the School Division pursuant to Va. Code ~~see. §~~16.1-260G; **(3)** found to have committed a serious offense or repeated offenses in violation of School Board policies; (4) suspended pursuant to Va. Code ~~see. §~~22.1-277.05; or (5) expelled pursuant to Va. Code ~~sees. §§~~22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code ~~see. §~~22.1-277, to attend such an alternative education program. The School Board may require any student who has been found to have been in possession or, or under the influence or, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's

parent, to participate in a treatment program.

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

VIII. REPORTING

A. Reports of Student Incidents to the Superintendent and Principals

Reports shall be made to the principal/designee on all incidents involving Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the Superintendent and to the principal or his designee on all incidents involving:

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

B. Reports by Principals

1. Section VIII. A Reporting – All

The principal/designee shall submit a report of all incidents required ~~or authorized~~ to be reported pursuant to **Section VIII.A, above, Va. Code sec. 22.1-279.3:1** to the Superintendent ~~of~~

~~the School Division.~~ The Superintendent shall annually report all such incidents to the Department of Education.

In submitting reports of such incidents, principals and the Superintendent shall accurately indicate any offenses, arrests or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to Section VIII.C of this Policy.

The principal/designee shall also notify the parent of any student involved in an incident required ~~or authorized~~ by **Section VIII.A, above, this subsection** to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

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

2. Section VIII. A Reporting – Only Clauses (2) through (7)

(a) Except as may otherwise be required by federal law, regulation, or jurisprudence, A a principal shall immediately report to the local law enforcement agency any act enumerated in the first paragraph of this section the Albemarle County Police Department any act listed in clauses (2) through (7) in Section VIII.A that may constitute a criminal offense. (See previous page).

Principals may, but need not, report to the Albemarle County Police Department any incident described in clause (1) of Section VIII.A, namely, the "assault, or assault and battery, without bodily injury of any person on a school bus, on school property, or at a school-sponsored activity."

(b) Unless prohibited by federal law, regulation, or jurisprudence, the principal must immediately report any act listed in Section VIII. A (2)-(7) that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. The principal shall further report to the parents that the incident has been reported to the local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

C. Reports by Law-Enforcement Authorities

The principal/designee ~~may~~ **shall** receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be:

- (1) a felony if committed by an adult, or
- (2) ~~would be~~ a violation of the Drug Control Act, Va. Code ~~sec. §§~~ **§§** 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or
- (3) ~~would be~~ an adult misdemeanor involving any incidents described in the clauses (1)

through (5-8) of ~~the preceding paragraph~~ Section VIII.A above.

If the Superintendent receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code §16.1-260, she shall report such information to the principal of the school in which the juvenile is enrolled.

D. Student Prevention and Intervention Activities

Whenever any student commits any reportable incident as set forth in this ~~sub~~section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the Superintendent/Designee. Prevention and intervention activities shall be identified in the ~~local~~ School ~~D~~ivision drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act).

VIII IX. READMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

A. Suspended Students

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

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

B. Expelled Students

Any student who has been expelled by the School Board is not eligible to attend any school within the Division for one calendar year from the date of his expulsion. In order to be readmitted to Albemarle County Public Schools, the parent of the student must submit a petition for readmission, together with any documents in support of the petition, to the Superintendent/Designee. Petitions must be submitted six to eight (6)-(8) weeks prior to the end of the one calendar year of expulsion to allow for review of the petition and scheduling of a readmission conference.

The Superintendent/Designee shall grant or disapprove the petition for readmission and transmit her decision, including the reasons therefor, to the parent of the student. Should the Superintendent/Designee disapprove the petition, the parent may appeal the decision to the School Board by submitting a written notice to the Superintendent. The Superintendent shall forward a copy of the written notice, the original petition for readmission, and any documents submitted with the petition, to the School Board for consideration. At the discretion of the School Board, the appeal may be decided on the basis of the records received from the Superintendent or after conducting a hearing on the petition.

~~Any student who has been expelled or suspended for more than thirty days from attendance at school by a School Board or a private school in this Commonwealth or in another state, or for whom admission has been withdrawn by a private school in this Commonwealth or in another state, may be excluded from attendance in the Albemarle County Schools, in accordance with Policies JEC and JEG. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.~~

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

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

IX. DISCIPLINING STUDENTS WITH DISABILITIES

The proposed long-term suspension or expulsion of a disabled student will be subject to review by the student's Individualized Education Plan (IEP) Committee to determine if the misconduct is related to the student's disability. A similar review is required for students who have been found eligible for Section 504 services. Additional detail on this area is provided in Policy JGDA.

XI. PARENT RESPONSIBILITIES

Parents have a duty under Va. Code §22.1-279.3 to assist the schools in enforcing the standards of conduct and compulsory attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

If the parent fails to comply with the provisions of Va. Code §22.1-279.3 ~~with this policy or Policy JEC~~, the School Board may petition the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal, as set forth in subsection D of Va. Code §22.1-279.3, to review the School Board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet.

In addition, if the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F of Va. Code §22.1-279.3, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

Adopted: August 23, 2001 Amended: August 8, 2002; November 20, 2003; _____

Legal Ref.: Code of Virginia, 1950, as amended, sections ~~Va. Code sec. 15.2-915.4~~, 16.1-260G, **18.2-83, 18.2-85, 18.2-87.1, 18.2-247**, 18.2-119, **18.2-299**, 18.2-308.1, **18.2-308.2, 18.2-308.2:2**, 18.2-308.7, 22.1-200.1, 22.1-254, 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1., **22.1-279.3, 54.1-3400 et seq., and** 20, U.S.C. ~~section~~ §§1400 *et seq.*

Cross Refs.:

JEC	School Admission
JFC	Student Conduct
JFCD	Weapons in School
JGDA	Disciplining Students with Disabilities
IGBH	Alternative Schools
JFC	Student Conduct

Students may be suspended or expelled from attendance for sufficient cause.

The listing below is not exhaustive, but is intended to provide general guidelines for suspension or expulsion. Unlawful acts that **may** lead to police notification and will lead to suspension from classes, exclusion from activities, or expulsion include, but are not limited to the following:

- Possessing, using, or being under the influence of “restricted substances” **as defined in Policy JFC** (legal intoxication not required)
- Assault/battery
- Arson
- Theft
- Bomb threats
- Use or possession of explosives
- Possession of weapons
- Extortion, blackmail, or coercion
- Driving without a license on school property
- Malicious mischief
- Selling restricted substances
- Smoking or possession of tobacco for students under the age of eighteen
- Gambling
- Sexual harassment
- Sexual acts
- Interference with school authorities
- Intimidation of school authorities
- Other unlawful acts including being an accessory to any of these unlawful acts

Additional acts which will be grounds for corrective action (including suspension or expulsion) include but are not limited to:

- Smoking or otherwise using tobacco on school property, on a school bus, or at a school-sponsored activity
- Possession of tobacco substances or related paraphernalia
- Unauthorized use of a beeper, cellular phone, or other portable communication device on school property, on a school bus, or at a school sponsored activity
- Possession of a laser pointer
- Fighting
- Threatening or verbal abuse
- Profanity or obscene language
- Disobedience or defiance
- Refusal to identify self to school personnel
- Truancy (see attendance policy)
- School parking or school driving violations
- Defacing or destroying property

- Inappropriate dress or appearance (dress or appearance must not present health or safety problems or cause disruption)
- Possession of alcohol or drug related paraphernalia
- Unauthorized sales

The decision of the ~~Superintendent/Designee~~ **Disciplinary Hearing Officer** for a suspension of 10 days or less is final and may not be appealed to the School Board pursuant to Policy JGD/JGE.

In the case of a suspension of more than ten days, the student and his parent(s), guardian, or person having control or charge of the student may appeal the decision to the full School Board pursuant to Policy JGD/JDE.

While a student is under suspension he/she is denied ~~access~~ access to school premises except with the permission of the principal. If a student under suspension is found on school premises without the permission of the principal, he/she may be referred for possible legal action.

Adopted: August 23, 2001

Amended: November 20, 2003; _____

STUDENT CONDUCT

Every student has a right to a quality education in an environment that is conducive to learning and free of disruption. Conversely, every student has the responsibility not to deny that right to others. Accordingly, the School Board has adopted policies and regulations designed to encourage good citizenship, reasonable standards of behavior, and a favorable atmosphere for learning and to discourage conduct that adversely affects the health and welfare of the students and staff.

Standards of student conduct are designed to define the basic rules and major expectations of students in the public schools of Albemarle County. It is the responsibility of the Albemarle County School Board and the administration to provide rules of conduct for student behavior in order to protect the health, safety, welfare, and individual rights of its students. The local school principal has the responsibility and authority to exercise reasonable judgment in enforcing this policy and the regulation. Principals are responsible for insuring that all students, staff members, and parents are provided the opportunity to become familiar with this policy and the regulation.

Parent Responsibility

The Superintendent shall issue Standards of Student Conduct and a list of possible corrective actions for violation of the Standards of Conduct. The Standards of Student Conduct and a notice of the requirements of Section 22.1-279.3 of the Code of Virginia, 1950, as amended, shall be sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the requirements of the Standards of Student Conduct shall be sent. The statement shall also acknowledge the parent's duty to assist in maintaining discipline and order, and failure to participate could result in court action against the student and parent. Each school shall maintain records for the signed statements. The school principal may request the student's parent to meet with the principal or his designee to review the School Board's Standards of Student Conduct and the parent's responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

The school principal shall notify the parents of any student who violates a School Board policy when such violation could result in the student's suspension, whether or not the school administration has imposed any disciplinary action. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior; and (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials. The principal or his designee shall notify the parent of any student involved in an incident required to be reported to the Superintendent and Virginia Board of Education.

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

If the parent fails to comply with this policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior in accordance with the Code of Virginia.

Expectations

Each student has the right to expect an educational environment in which he can strive to achieve his intellectual potential. The most important student responsibility is to avoid disruptive conduct which infringes on the rights of others. Students, parents and school personnel are expected to cooperate in efforts to insure a learning environment free of disruption.

- I. The student is expected to be diligent in his studies and conduct himself in such a way that the rights and privileges of others are not violated. The student is required to know and conform to the rules and regulations of the school, to conform to the direction of the school staff, and to comply with provisions of law.
- II. Parents are expected to teach their children conduct that does not infringe on the rights of others, to cooperate with school authorities, and to support necessary disciplinary measures. It is the parent's responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.
- III. The teacher has primary responsibility for all matters of conduct and discipline in the classroom, in the school building, and on the school grounds. Teachers have the authority to use such reasonable measures as may be necessary to maintain discipline in the classroom.
- IV. The principal/designee has the following responsibilities:
 - A. to establish and implement rules and regulations for student conduct in school that are not covered by this policy;
 - B. to make these policies, rules, and regulations readily available to students and parents;
 - C. to supervise and support teachers in their obligation to maintain discipline and create an atmosphere conducive to student self-regulation;
 - D. to impose necessary corrective measures including but not limited to imposing suspension or recommending expulsion to the Superintendent; and
 - E. to defend every individual within the school against arbitrary and unfair treatment.

- V. All persons associated with the school have a responsibility in the maintenance of proper school discipline.

Enforcement

The Albemarle County School Board supports the school administration and staff in enforcing the policies and regulations and insuring that all students have a sound, non-disruptive educational environment in which to learn. Principals have the final responsibility for discipline of the students in their jurisdiction.

The administration and staff shall take all reasonable steps to prevent and eliminate restricted substances in the schools. The schools shall cooperate freely with agencies involved in such programs to the extent that the Superintendent deems advisable and shall implement appropriate educational programs.

To maintain control of restricted substances within the schools and to insure the health and welfare of the students, the School Board requires any student who is taking a prescription or nonprescription medicine for illness or other medical needs during the school day to report this fact to the principal or other designated staff member. If the student so requests, this information will be held in professional confidence. Such medication will be placed in the care of the principal or their designee. (See JHCD, *Administering Medicines to Students*.)

Note: The term "restricted substance" includes alcoholic drinks, marijuana, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as any abusable glue, paint and similar materials, anabolic steroids, and both prescription and non-prescription drugs if they are not taken according to the prescription or directions on the package. The term "restricted substance" also includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

Any student involved in a reportable drug or violent incident shall participate in prevention and intervention activities deemed appropriate by the Superintendent/Designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school-sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.

School's Jurisdiction and Standards of Behavior

Students are subject to corrective action for any misconduct that occurs under the following circumstances:

- in school during school hours
- on school property
- on a school vehicle

- while participating in or attending any school-sponsored activity or trip
- on the way to and from school
- at other times as permitted by law, up to and including suspension or expulsion, for misconduct that occurs at any time off-school grounds where (1) there is a nexus (connection) between the conduct and school operations; (2) where the conduct has ~~been shown to have~~ a detrimental or harmful effect on the welfare or safety of the school and its students; or (3) where the conduct has caused substantial or material disruption to the school's operations.

Coaches, teachers, and sponsors responsible for athletic teams, co-curricular activities, or other student groups may set additional standards related to dress, behavior, and training. Such standards must be appropriate to the purpose of the team or activity. Students must be given prior notice of the requirements.

Any behavior is unacceptable if it

- interferes with rights of others
- endangers the welfare and safety of the child or others
- is unlawful
- interferes with orderly conduct of any phase of the school program
- defies the reasonable exercise of authority
- results in destruction of property.

Conduct Resulting in Corrective Action

Unlawful acts which ~~will~~ **may** lead to police notification and will lead to suspension from classes, exclusion from activities, or expulsion include but are not limited to the following:

- possessing, using, or being under the influence of "restricted substances" (legal intoxication not required)
- assault/battery
- arson
- theft
- bomb threats
- use or possession of explosives
- possession of weapons
- extortion, blackmail, or coercion
- driving without a license on school property
- malicious mischief
- selling restricted substances
- smoking or possession of tobacco for students under the age of eighteen
- gambling
- sexual harassment, regardless of sexual orientation *
- sexual acts
- interference with school authorities
- intimidation of school authorities

- bullying or harassment
- hazing
- other unlawful acts including being an accessory to any of these or other unlawful acts.

Additional acts which will be grounds for corrective action (including suspension or expulsion) include but are not limited to:

- smoking or otherwise using tobacco on school property, on a school bus, or at a school-sponsored activity
- possession of tobacco substances or related paraphernalia
- unauthorized use of beepers, cellular telephones or other portable communications devices on school property and during the school day; however, this shall not be construed to prohibit use of such devices after school hours or at school functions or activities occurring after the school day
- possession of a laser pointer
- fighting
- threatening or verbal abuse
- profanity or obscene language
- disobedience or defiance
- refusal to identify self to school personnel
- truancy (see attendance policy)
- school parking or school driving violations
- defacing or destroying property
- inappropriate dress or appearance (dress or appearance must not present health or safety problems or cause disruption)
- possession of alcohol or drug related paraphernalia
- unauthorized sales
- plagiarism, honor code violations

Standards of Student Conduct

The Standards of Student Conduct are listed in the regulation which follows. Also included within the regulation is a list of possible corrective actions for violation of the Standards of Conduct. The administrator should exercise reasonable judgment and consider the circumstances in determining the level of punishment to be used. In all cases, the rights of students will be protected, and in appropriate cases, parents or guardians will be informed as soon as possible.

Administrative Responsibility

Since it would be impossible for this policy to take into account the severity of each offense, the principal or designee will have the authority to determine disciplinary actions. In each case, the school administrator should use reasonable judgment to insure that students who violate the Standards of Conduct will be given appropriate attention, such as counseling, to encourage future compliance with the Standards of Student Conduct and school rules.

In addition to the disciplinary action outlined in the regulation, any known violation of the criminal code will be referred to the legal authorities.

Adopted: July 1, 1993
 Amended: November 13, 1995; July 28, 1997; October 11, 1999; December 13, 2001; February 14, 2002; December 11, 2003; August 10, 2006; September 28, 2006

Legal Ref.: Code of Virginia, 1950, as amended, Sections 16.1-305.1, **16.1-260**, 22.1-78, 22.1-277, 18.2-308.7, ~~18.2-310~~, ~~18.2-322.1~~, 22.1-200.1, 22.1-253.13:7(D.3), ~~22.1-277.02~~, 22.1-277.2, 22.1-279.1, 22.1-279.3, **22.1-279.3:1, 22.1-279.6**.

Cross Refs.: ECAB, *Vandalism*
 JFHA/GBA, *Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion*
 JGA, *Corporal Punishment*
 JGD/JGE, *Student Suspension/Expulsion*
 JGDA, *Disciplining Students With Disabilities*
 JN, *Student Fees, Fines and Charges*

* Definition of Sexual Orientation: One's attraction to the same sex, opposite sex or both sexes, real or perceived. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia.

STUDENT CONDUCT

These regulations are promulgated to help parents, students, and school personnel to know some of the more obvious types of misconduct and understand disciplinary consequences which may be imposed upon the student as a result of such misconduct. The list of types of misconduct is not exclusive nor a limitation upon the authority of the School Board or school officials to deal with conduct which interferes with the proper functioning of the schools.

While adopting these regulations, the Board reserves to itself, and when appropriate, the Superintendent/Designee, the authority to determine appropriate disciplinary consequences of any conduct, listed or otherwise, which interferes with the proper functioning of the schools. All disciplinary action shall be determined on the basis of the facts and evidence presented.

Standards of Student Conduct

The following section constitutes the Standards of Student Conduct for the Albemarle County Public Schools. The following acts by students in the Albemarle County Public Schools are not acceptable. Students found violating the Standards of Student Conduct will be subject to reasonable and appropriate consequences as outlined in the section on corrective measures.

- A. A student shall not take another's property under duress or threat or by any other unlawful means.
- B. A student shall not use or have in his possession or on his person:
 - 1. any pistol, shotgun, rifle or other firearm, whether loaded or unloaded, operative or inoperative, or any object similar in appearance to a firearm, whether capable of being fired or not; -
 - 2. **any pneumatic gun, which includes** ~~Pp~~ellet guns, BB guns, and CO2 air pistols; **or are considered to be firearms.**
 - 3. ~~A student also shall not use or have in his possession or on his person~~ any knife, razor, slingshot, brass or metal knuckles, blackjacks, explosives, or other dangerous articles.

A student further shall not misuse an acceptable object (such as a pencil, baseball bat, etc.) in a manner which endangers a person's safety or health. Possession includes storage in a vehicle, locker, or other receptacle. Any weapon possessed in violation of this policy shall be forfeited to the Commonwealth. The provisions of this section shall not apply to persons who carry such weapon or weapons as part of the curriculum or other programs sponsored by the school or any organization permitted by the school to use its premises.

- C. A student shall not use profanity or abusive language under any circumstances.
- D. A student shall not fight or display aggressive behavior that may reasonably cause a breach of peace.

- E. A student shall not intentionally threaten, strike, physically harm, or verbally abuse any teacher, school employee, student, or other person. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act prohibited under this regulation.
- F. A student shall not deface or cause destruction to school property. (See JN-R.)
- G. No student shall enter upon any school property at night without authorized consent. Any student directed to leave or refrain from entering school property and who fails to do so shall be subject to disciplinary action.
- H. A student shall not give or receive unauthorized help, plagiarize or knowingly make false statements with respect to any school work or tests.
- I. A student shall not dress in a manner that is distracting or interferes with the orderly process of instruction. The following are examples and are not an exclusive list: halters, tank/tube tops, bare midriffs, no shoes, no shirts, etc.
- J. A student shall not behave in a manner which interferes with the orderly transportation of pupils on a school bus.
- K. A student shall not interfere with the orderly process of instruction.
- L. A student shall comply with the directions of a teacher or other school employee.
- M. A student is prohibited from leaving the school campus during the school day without authorization of designated school authorities.
- N. A student who acts as an accessory or accomplice to another in violation of any provision of the Standards of Student Conduct will be subject to corrective action as outlined in the Standards of Student Conduct.
- O. A student shall not sell, supply, or give or attempt to sell, supply, or give to any person any of the restricted substances listed in this policy or what the student represents or believes to be any of the restricted substances listed in this policy.
- P. A student shall not possess, procure, or purchase or attempt to possess, procure, or purchase or be under the influence of (legal intoxication not required) or use or consume or attempt to use or consume any of the restricted substances listed in this policy. This includes substances represented by or to the student to be any of the restricted substances listed in this policy or what the student believes are any of the restricted substances listed in this policy.
- Q. Any student whose parent or guardian requests that he be allowed to take any

prescription or non-prescription medicine, drug, or vitamin shall bring such request in writing to the principal or a designee for approval. Items shall be left in possession of an authorized adult. (See JHCD, *Administering Medicines to Students*.)

- R. A student, either individually or as a part of a group, shall not harass or bully others. Prohibited conduct includes, but is not limited to, physical intimidation, taunting, name-calling, and insults and any combination of prohibited activities.
- S. Students shall not recklessly or intentionally endanger the health or safety of a student or students or inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.
- T. A student shall not assault or commit battery upon another person. Voluntary fighting resulting in physical injury to another person shall be considered assault and battery. Physical Assault includes any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, biting, shoving, pushing, hitting and fighting.
- U. A student shall not 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 regardless of sexual orientation *, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.

Procedural Statement Concerning Restricted Substances

When an employee of the Board suspects a student of the illegal possession, use, or distribution of any controlled or illegal or restricted substance on the premises of any Albemarle County public school, it is the duty of the employee to notify the school principal immediately. Acting in accordance with the Board's policies in this manual and related policies and regulations, the principal should take possession of the suspect substance with the consent of the suspect student, if possible, or through a search procedure.

Minimum due process must be afforded the student prior to suspension. If the student admits the accusation when confronted, the student shall be suspended immediately. If the student denies the accusation, the student shall not be suspended unless there is evidence that he is in possession of, under the influence of, or distributing a restricted substance. In this case, the student shall be given into the custody of the parent or guardian and shall be suspended immediately. In any case, every effort should be made to have the parent or guardian come to

the school before action is taken beyond the preliminary phase of the principal's investigation.

If an illegal substance is found in the student's possession, it will be turned over to law enforcement personnel. Drug violations will lead to disciplinary action, regardless of whether criminal charges are filed, or whether a criminal conviction is obtained. **For first offenses of illegal possession, use or distribution of a restricted substance, a student will receive a ten (10) day suspension at minimum and be required to participate in any substance abuse prevention or education program deemed appropriate by the principal. For any second or subsequent offense of illegal possession, use or distribution of a restricted substance, the student will receive a ten (10) day suspension and be referred to the School Board with a recommendation for expulsion.**

~~If it is determined through subsequent judicial proceedings that the student is guilty of a misdemeanor or a felony for the illegal possession, use, or distribution of a restricted substance or of an illegal or controlled substance as defined in the Code of Virginia, action shall be taken in accordance with the following provisions:~~

- ~~A. — The first offense of illegal possession, use, or distribution of restricted substances or of illegal or controlled substances that fall into the misdemeanor category as defined in the Code of Virginia will result in suspension from school for a period of not less than three (3) school days and not more than thirty (30) school days. If the parent or guardian has appeared at school to confer with the principal, the student may be readmitted to school after the third day of suspension.~~
- ~~B. — The second offense will result in expulsion or other disciplinary action for a period to be determined by the School Board.~~
- ~~C. — Any offense involving illegal substances that falls into the felony category as defined in the Code of Virginia will result in suspension or expulsion, as determined by the School Board according to applicable legal requirements.~~
- ~~D. — If a student under indictment for a felony is permitted to remain in the school, the student's involvement in school activities shall be limited to the formal instructional program conducted in the classroom. The student will not be allowed on the premises of an Albemarle County public school except for regularly scheduled classes or assigned library work.~~
- ~~E. — A student convicted of a felony will be expelled or suspended for a period determined by the School Board.~~

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A student for whom the Superintendent has received a report pursuant to Section 16.1-305.1 of the Code of Virginia of an adjudication of delinquency or a conviction for an offense involving the manufacture, sale, gift, distribution, or possession of marijuana or other controlled substances may be suspended or expelled from school, regardless of whether the adjudication or conviction resulted from an off-campus incident.

Other Criminal Offenses

Students charged with felony criminal offenses arising from conduct that occurs on or off- school grounds are subject to **potential** disciplinary action, up to and including suspension or expulsion, and may be suspended from school or required to attend an alternative education program while the criminal charge is pending. Students who are convicted or adjudicated guilty of felony offenses are also subject to **potential** suspension or expulsion from school, or placement in an alternative education setting, in accordance with applicable Virginia law.

Corrective Action

The goal of student corrective action shall be to encourage self-control and orderly conduct.

Each teacher is expected to establish satisfactory student behavior with positive and constructive methods. If the discipline problem continues after a teacher attempts to correct student behavior, it shall be referred to the appropriate building administrator.

The following corrective actions are among those available to the school administration for violation of the Standards of Student Conduct. This list is not to be considered as exhaustive or to be delimiting to school administrators or staff. Each offense will be considered fully in determining reasonable corrective actions.

Administrators should use judgment in selecting the consequence(s) depending on the severity of the offenses. The following consequences are not listed in any particular order.

- A. Counseling
- B. Admonition
- C. Reprimand
- D. Loss of privileges
- E. Parental conferences
- F. Tasks or restrictions assigned by the principal/designee
- G. Detention hall after school or before school
- H. Suspension from school-sponsored activities or events prior to, during, or after the regular school day
- I. In-school supervision
- J. Out-of-school suspension
- K. Referral for an alternative to the regular education program
- L. Notifying legal authority where appropriate
- M. Recommendation for expulsion
- N. Legal action where appropriate

~~Students and/or the parent or guardian may appeal through proper channels from the principal to the Superintendent to the School Board.~~

If an expelled student under this section of the regulation is under eighteen years of age, the authorities of the juvenile court shall be notified where appropriate.

~~Any special education student recommended for expulsion shall be reviewed by a Child Study Committee.~~

Enrollment of Suspended/Expelled Students

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his regular school. Expelled students may apply to the School Board for readmission to the School Division **in accordance with Policy JGD/JGE. 365 calendar days from the date of the expulsion.**

Any student who has been suspended/expelled from another division **must petition for admission in accordance with policy JEC. will not be permitted to enroll in this division until eligible to re-enroll in his former division or until the Board or Superintendent has reviewed the prior suspension and determines that the suspension was illegal or improperly given.**

Adopted: July 1, 1993

Amended: July 28, 1997; December 13, 2001; December 11, 2003; August 10, 2006; September 28, 2006;

Legal Ref.: Code of Virginia, 1950, as amended, Sections 18.2-56, 18.2-87.1, 18.2-83, 18.2-308.1, 18.2-308.7, 18.2-310, 18.2-322.1, 18.2-308, 18.2-433.1, 19.2-85, 22.1-70.2, 22.1-78, 22.1-202, 22.1-253.13.7(D)(3), 22.1-277, 22.1-277.1, 22.1-277.2, 22.1-279.1

Cross Ref.: CLA, *Reporting Acts of Violence and Substance Abuse*
 ECAB, *Vandalism*
 JFC, *Student Conduct*
 JFCD, *Weapons in School*
 JFCE, *Gang Activity or Association*
 JGA, *Corporal Punishment*
 JGD/JGE, *Student Suspension/Expulsion*
 JGDA, *Disciplining Students With Disabilities*
 JHCD, *Administering Medicines to Students*
 JGDA, *Suspension of Disabled Students*
 JBA, *Bullying and Harassment*
 GBAA, *Harassment*

* Definition of Sexual Orientation: One's attraction to the same sex, opposite sex or both sexes, real or perceived. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia.

HIGH SCHOOL ELIGIBILITY AND CODE OF CONDUCT: ATHLETICS AND OTHER EXTRACURRICULAR ACTIVITIES

Participation in athletics and other extracurricular activities is regarded as an important privilege for students. Participation in such activities supports students' personal growth and achievement and also gives students the opportunity to be representatives of and ambassadors for their school. Albemarle County Public Schools is committed to developing and maintaining a high level of confidence by the student body and the school community. Therefore, students who desire to participate in extracurricular activities are expected to meet standards in three major areas: academics, attendance, and conduct. Failure to meet appropriate standards in any one, or more, of these areas will result in a student losing the privilege of participating in extracurricular activities.

I. Policies related to this regulation

- School Board Policy JFC – Student Conduct
- School Board Policy JGD/JGE – Discipline
- School Board Policy JFCI - Substance Abuse
- School Board Policy JFCH - Possession and/or Use of Tobacco on School Premises

II. Definition of Extracurricular Activities

Extracurricular activities include, but are not limited to: participating in athletics and other competitive activities, event or activity practices, and other student activities; performing in public beyond the class culminating performances. Activities that are a part of a credit bearing class do not constitute extracurricular activities.

III. Introduction

- A. This regulation is in effect from the first day a student begins participation in a high school sport or other extracurricular activity throughout the remainder of the season or other extracurricular activity period.
- B. This regulation establishes a minimum code of conduct for student-athletes and other students who desire to participate in extracurricular activities offered by the Albemarle County Public Schools. This regulation shall be administered by each school through its principal/designee in conjunction with the athletic director, coach(es) or other sponsors. This regulation does not supersede the School Board's student discipline policies.
- C. Prior to participating in a school sport or other extracurricular activity, the student and his/her parents or guardian will be required to sign a statement acknowledging that the student shall comply with and abide by the terms and conditions of this regulation.
- D. This regulation applies to all high school students in grades 9-12 as well as 8th grade

students who are permitted to participate in high school sports or other extracurricular programs.

IV. Academic and Behavioral Expectations

- A. General Standards, Guidelines and Information
 - A student shall be enrolled as a full-time student in good standing under School Division policy and Virginia High School League rules and regulations in order to be eligible to participate in extracurricular activities.
 - Students who fail to meet appropriate academic, attendance or behavioral standards may be withheld or dismissed from participation in athletics or other extracurricular activities.
 - Any student who is ineligible but participates in a contest/activity while ineligible may cause the team/group to forfeit that contest/performance in accordance with this regulation.
 - A specific team membership, athletic position, performance role, leadership position, etc. may or may not be available for the student to resume, upon regaining eligibility.
 - Each elementary and middle school may have specific guidelines and requirements for one or more extracurricular activities offered at that school.
- B. Students participating in athletics and other extracurricular activities are expected to pass and successfully meet the academic and attendance goals and objectives established by the School Division in order to be eligible. Students are also expected to meet the behavioral standards of their school and School Division. This requirement is in addition to the Virginia High School League rules and regulations.
- C. Students are ineligible to participate in practice or in a contest, competition or other activity if they have been placed on suspension. Students must be in school all day in order to participate. Exceptions are prearranged absences, doctor appointments, school-related absences or in other cases as authorized by school administration.
- D. If a student tries out for a sport or other activity and quits or is dismissed because of disciplinary reasons, s/he is ineligible to try out for another sport or activity without approval from the athletic director and/or principal/designee.

V. Misbehavior

- A. The admission of facts involving student misconduct, whether on-campus or off-campus, which constitute a criminal offense or conviction of a criminal offense, either felony or misdemeanor (excluding minor traffic violations) may result in suspension from athletic or other extracurricular activities for a period of time to be determined by the principal/designee after investigation and consultation with the Division Superintendent/designee.
- B. Disciplinary action may result in denial of participation in athletic competition or

other extracurricular events.

- C. Students who have received out-of-school suspension shall be prohibited from participation in all athletic or other extracurricular or interscholastic practices, events, activities or competitions for the duration of such out-of-school suspension.

VI. Alcohol, Drugs and Tobacco

- A. No student involved in a sport or other extracurricular program shall knowingly possess, use, distribute, transmit or be under the influence of alcohol, performance enhancing drugs, inhalants or controlled substances of any kind (except as prescribed by a medical professional or as otherwise authorized by this regulation) during the athletic season or other extracurricular program.

- B. The unauthorized possession, use, distribution, transmittal or being under the influence of alcohol, performance enhancing drugs, inhalants or controlled substances of any kind (except as prescribed by a medical professional) by a student during the athletic season or other extracurricular program will subject the student to the following consequences (in addition to any school disciplinary and/or other applicable sanctions):

1. First offense in student's high school-level participation:

- a. A minimum of two (2) weeks suspension from participation in athletics or other extracurricular program, including practice and competition, from the date the knowledge of the possession, use, transmittal, distribution or being under the influence became known to a school official;
- b. A student who agrees (with parental consent) to participate in a drug/alcohol counseling and/or assessment program offered at school or at a school-approved community agency may be reinstated to the athletic team or other extracurricular program at the end of the two (2) week period. Any student who does not agree to participate in such counseling and/or assessment program shall be suspended from all athletic teams or other extracurricular programs for thirty (30) days of participation or for the remainder of the season or program, whichever is longer.
- c. Reinstatement of the student to the athletic or other extracurricular program is contingent upon the student complying in all material respects with the recommendations made by an alcohol or other substance abuse counselor or other appropriate person as well as the approval of the principal/designee for reinstatement to the team or program; and

- d. Successful completion of any recommendations by an alcohol or other substance abuse counselor or other appropriate person will be evaluated by the principal/designee.
2. Second offense in student's high school-level participation:
- a. A minimum of four (4) weeks suspension from participation in athletics or other extracurricular program, including practice and competition, from the date the knowledge of the possession, use, transmittal, distribution or being under the influence became known to a school official;
 - b. A student who agrees (with parental consent) to participate in a drug/alcohol counseling and/or assessment program offered at school or at a school-approved community agency may be reinstated to the athletic team or other extracurricular program at the end of the four (4) week period. Any student who does not agree to participate in such counseling and/or assessment program shall be suspended from all athletic teams or other extracurricular programs for thirty (30) days of participation or for the remainder of the season or program, whichever is longer.
 - c. Reinstatement of the student to the athletic or other extracurricular program is contingent upon the student complying in all material respects with the recommendations made by an alcohol or other substance abuse counselor or other appropriate person as well as the approval of the principal/designee for reinstatement to the team or program; and
 - d. Successful completion of any recommendations by an alcohol or other substance abuse counselor or other appropriate person will be evaluated by the principal/designee.
3. Third or subsequent offense in student's high school level participation:
- a. Full suspension from all athletic activities and competitions and other extracurricular program for a 365-day period;
 - b. The student may be required to undergo a current drug/alcohol assessment at school or at a community agency offering such assessments. Prior to reinstatement at a future date, the student will follow and comply with all recommendations from the assessment report, including participation in an approved school-based or community alcohol or other drug education program; and
 - c. The student may petition for reinstatement after the end of the 365-

day period. The decision whether to reinstate the student shall be at the sole discretion of the principal/designee after consultation with the Division Superintendent/designee.

4. In cases involving a first or second offense only, students who voluntarily request assistance from school officials in connection with an alcohol, drug or tobacco incident may receive reduced disciplinary consequences under this regulation at the discretion of the principal, provided that the request must come from the student or his/her parents/guardian no later than the first school day after the incident involving the unauthorized use of alcohol, performance enhancing drugs, inhalants or controlled substances of any kind or tobacco.
- C. This regulation shall not be construed to prohibit students from participating in a bona fide religious ritual, ceremony or other religious activity in which alcohol is served under the supervision of their parents or guardians. In such cases, the use or consumption of small amounts of alcohol as part of a bona fide religious ritual, ceremony or activity, such as a Passover Seder, Communion or other religious service or observance, shall not constitute a violation of this regulation.
 - D. This regulation shall not be construed to prohibit parents from providing alcohol to their children in a supervised setting as authorized by Va. Code § 4.1-200(7), as amended, or other applicable law. However, it is the hope and desire of the Albemarle County Public Schools that, notwithstanding the permissive authority given to parents to provide alcohol to their children in such limited, supervised settings, parents will agree not to do so in order that their children may remain free of alcohol use during the school year.
 - E. In accordance with Va. Code § 22.1-276.3, as amended, or other applicable law and Virginia High School League rules and regulations, any student who is a member of a school athletic team shall be deemed ineligible for two school years to compete in interscholastic athletic competition, if it has been determined by the Division Superintendent and principal 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.

SCHOOL ADMISSION

I. RESIDENT

A person of school age (i.e., a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1 of the school year), is eligible for admission on a non-tuition basis if residing in the Albemarle County school division, or if eligible for admission under Policy JECA. A person of school age shall be deemed to reside in the school division when such person meets one of the following criteria:

- A. Is living with a natural parent or parent by legal adoption who actually resides in the Albemarle County school division.
- B. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either (i) the court-appointed guardian, or has legal custody of the person, or (ii) acting in *loco parentis* pursuant to placement of the person for adoption by a person or entity authorized to do so under Section 63.2-1200. When the person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; and such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code section 1044b providing for the care of the person of school age by an individual who is defined as a parent in Va. Code section 22.1-1 during the time of his deployment outside the United States. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney resides. Furthermore, when practicable, such persons of school age may continue to attend school in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending such division.
- C. Is a legally emancipated minor living in the Albemarle County school division but not solely for school purposes.
- D. Resides with a non-parent in the Albemarle County school division with no intent of changing residency to that of his parents. The resident with whom the student is living **is must be** the court-appointed guardian, ~~or has have~~ legal custody of the student, **or have taken appropriate steps to obtain legal custody as determined by the Superintendent/Designee. Legal custody is defined, at minimum, as having a date scheduled for intake.**
- E. Under extenuating circumstances, the Superintendent may approve the temporary admission of a student who is living with a non-parent.
- F. Under no circumstances may a family maintain two residences for school

attendance purposes. It is the obligation of the school to know the complete residence status of each student and to see that all comply with these requirements. Any change in residence must be bona fide. Determination of what constitutes a bona fide change of residence depends upon the facts of each case, but in order for a change of residence to be considered bona fide at least the following facts must exist: (1) The original residence must be abandoned as a residence; that is sold, rented or disposed of as a residence, and must not be used as residence by any member of the family, (2) The entire family must make the change and take with them the household goods and furniture appropriate to the circumstances, (3) The change must be made with the intent that it is permanent.

Residency of a student is determined in reference to the student's residence with a legal guardian such as a natural or adopted parent, a court-appointed guardian, or a person *in loco parentis*. School officials may not inquire into the student's citizenship or visa status in determining residency.

II. NONRESIDENT

Nonresident students will be admitted under the following conditions:

- A. Students whose parents or guardian move from the county after the end of the first semester may be permitted to complete that school year in the school they currently attend with no tuition charge provided they reside with their parents or legal guardian and remain in good standing at the school.
- B. A parent or guardian planning to move into Albemarle County after the school year begins and will be spending the majority of the year in an Albemarle County Public School may be permitted to begin the school year in an Albemarle County Public School (documentation must be presented). Tuition will be charged and held in escrow for the time the parents live outside of the division and refunded if the parents move during the school year into Albemarle County.
- C. Seniors whose parents or guardian move from the county after the end of the first semester of their junior year may be permitted to complete their final year in high school with the payment of tuition provided they reside with their parents or a legal custodian.
- D. Students may attend school in the division if they are in a foreign exchange program approved by the School Board.

Partial transportation may be provided from within the County for a student attending an Albemarle County Public School when living outside the school division. This transportation may be provided on an established bus route from an established bus stop within the County on a space available basis. It will be the responsibility of the parent to transport the student to and from the appropriate bus stop. If such transportation cannot be provided, it will be the responsibility of the parent to arrange transportation to and from school.

All requests must be put in writing to the Superintendent. If an individual is not satisfied with the Superintendent's decision, he may appeal to the School Board.

III. NONRESIDENT STUDENTS OF ALBEMARLE COUNTY EMPLOYEES

The Albemarle County School Board may accept children of persons employed on a full-time basis by the Albemarle County School Division, CATEC, or Local Government (defined as persons employed exclusively by Albemarle County Local Government in approved budgeted full-time positions that are part of the regular County work force) who reside outside Albemarle County on a half-tuition basis, depending on space availability, provided such students meet admission requirements and require educational services that can be provided by the staff of the Albemarle County School Board in its existing facilities and utilizing its existing programs and services.

Eligibility for consideration does not signify acceptance of the admission application of a student. Each application for admission will be considered on an individual basis and is valid for one academic year only. The request must be resubmitted and approved annually. Approval depends on enrollment capacity, county growth patterns, class openings, and/or services available.

Admissions cannot and will not be guaranteed at a specific school from year to year. The School Division will assign a child to a school based entirely on space availability, but will try to assign the child based on school preference.

Procedure for Admission

The following procedure shall be followed for application and review of applications for admission of non-resident students.

The eligible student's parent or guardian, shall apply for admission on behalf of his child by completing the school division application. The application form shall contain information and agreements including, but not limited to:

1. the current legal residence of the child and the school division in which he is currently enrolled;
2. the basis for requesting admission;
3. the school or schools of interest;
4. the agreement that the student becomes subject to all policies, regulations and guidelines of the school division, including the Albemarle County Student Code of Conduct; and
5. any additional requirements listed in the administrative procedures.

Applications for non-resident students will be considered in order received, i.e. first come first served. Applications of those students who meet Albemarle standards will be approved to the extent that class openings and/or services are available. Applications are to be made between March 1 and May 1 of the preceding school year. The school division Superintendent or his Designee will act upon the application. Any student accepted on a tuition basis will not be

enrolled in the Albemarle County Public Schools before the receipt and approval of school records from the student's previous school.

Tuition

Tuition for elementary (K-5) and secondary (6-12) school students will be based on local cost and shall be set by the division Superintendent or his Designee for each academic year. The tuition for the first child will be half of the local cost and the tuition for each additional child will be one-fourth of the local cost. A non-refundable fee of \$50.00 must accompany the application. No application will be considered without the accompanying fee. Tuition will be based upon semester attendance and may be paid in monthly installments using payroll deduction or monthly checks. Tuition may also be paid in full at the beginning of the year or half paid at the beginning of each semester.

Transportation

Partial transportation may be provided on a space available basis on an established bus route from an established bus stop. If such transportation cannot be provided, it will be the responsibility of the parent to arrange transportation to and from school.

Termination of Employment

Students who are enrolled, but whose parent terminates employment with Albemarle County will be allowed to complete the school year provided the remaining tuition is paid upon termination.

IV. GENERAL PROVISIONS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.
- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. The student shall present a federal social security number within 90 days of his enrollment. If the student is ineligible to obtain a social security number pursuant to guidelines developed by the Board of Education after consulting with the Social Security Administration, or the student's parent is unwilling to present such number, the Superintendent/Designee may assign another identifying number to the student or waive the requirement.
- E. See also JHCA, *Physical Examinations of Students*, and JHCB, *Student Immunizations*.
- F. This policy does not preclude contractual arrangements between the Albemarle County School Board and agencies of the federal government or the School Board of another jurisdiction to permit students not otherwise eligible to attend Albemarle County Public Schools.
- G. Prior to admission to the Albemarle County school division, the parent, guardian, or other person having control or charge of the child shall provide upon registration:
 - (i) a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of School Board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
 - (ii) a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Virginia Code Section 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the Superintendent and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Section 16.1-260, the notice shall become a part of the student's disciplinary record.

When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

H. Prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in §§ 22.1-270, 22.1-271.2 and 32.1-46 of the Code of Virginia and policies JHCA and JHCB.

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

IV. ADMISSION OF STUDENTS SUSPENDED OR EXPELLED BY OTHER SCHOOL DIVISIONS

- A. A student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in Virginia or in another state, or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the Division regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after:
- (i) written notice to the student and his/her parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the Superintendent/Designee regarding such exclusion; and
 - (ii) a hearing of the case has been conducted by the Superintendent/Designee and the decision has been to exclude the student from attendance.
- B. The student or his parent may file a written petition for review with the School Board within fifteen (15) days of notice of the decision of the Superintendent/Designee. If the School Board grants a review, it shall review the petition based on the records and may alter the decision of the Superintendent/Designee.
- C. In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

D. Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or Superintendent/Designee, as the case may be, the student may petition the School Board for readmission. If the petition for readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission.

Adopted: July 1, 1993
 Amended: December 13, 1993; September 12, 1994; July 28, 1997; October 11, 1999; May 8, 2000; September 14, 2000; January 11, 2001; November 20, 2003; April 22, 2004; April 27, 2006; September 14, 2006; September 6, 2007; _____

Legal Ref.: Code of Virginia, 1950, as amended, Sections 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, **22.1-3.4**, **22.1-5**, 22.1-200.1, 22.1-255, 22.1-260, **22.1-270**, **22.1-271.2**, **22.1-276.01**, 22.1-277, 22.1-277.2, ~~22.1-279.1~~, 22.1-288.2, 32.1-46, **63.2-900**, and 63.2-1200

Public Law 104-208, Illegal Immigration Reform and Immigrant Responsibility Act of 1996
 Opinion of the Attorney General to The Honorable William C. Mims, April 14, 1999

Cross Ref.: JHCA, *Physical Examinations of Students*
 JHCB, *Student Immunizations*
 JECA, *Admission of Homeless Children*
 IGAP, *Student Exchange/Travel/Study Programs*
 JGD/JGE, *Student Suspension/Expulsion*

SCHOOL ADMISSION

Emancipated Minor

A legally emancipated minor is a minor who is self-supporting and is not dependent on parents or guardian.

Legal Custody

A resident who seeks legal custody of a person of school age who is living with that resident should contact the Youth and Family Services Department of the Juvenile and Domestic Relations Court to set up an intake hearing.

Adopted:	July 1, 1993
Amended:	September 14, 2000
Reviewed:	November 20, 2003; September 6, 2007
Cross Ref.:	IGAP – Student Exchange/Travel/Study Programs
