

Green highlight = Additional revisions for consideration

STANDARDS FOR STUDENT CONDUCT

A. Responsibilities

The School Board expects a high standard of student conduct in an effort to ensure an atmosphere conducive to teaching and learning, free of disruption and threat to person or property, and supportive of individual rights. Students and staff have a primary responsibility for creating a climate of mutual respect, honesty, and trust in each school in order that the dignity of the individual is protected and the potential of each student may be realized. These standards will apply to students while in or on school property including on any school bus or other school vehicle, when at any school-sponsored activity or field trip regardless of location, and when going to and returning from school. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the safety of the school or the well being of students or staff, adversely affects school climate or discipline, or disrupts the learning environment. These standards shall also apply to conduct off school property, when the act leads to: (1) notification pursuant to Va. Code Sec. 16.1-305.1 or a conviction for an offense listed in Va. Code Sec. 16.1-260; or (2) a charge that would be a felony if committed by an adult.

The principal of the school and those to whom the principal delegates the authority for the discipline of students, including teachers, are responsible for the consistent and uniform application of all School Board policies and regulations, and the rules of the individual school, which together set forth the standards for student conduct.

The principal or the principal's designee shall determine the appropriate disciplinary measures for each case of misconduct by a student, except where consequences are predetermined by specific School Board policy or by law. Determinations of disciplinary measures shall include, but not be limited to:

- consideration of the nature and seriousness of the offense;
- degree of danger to the school community;
- the student's age and grade level;
- results of any mental health, substance abuse, or special education assessments;
- student's attendance and academic records;
- relative impact of a violation on the entire student body as well as on the individual;
- school and county-wide regulations and rules;
- appropriateness and availability of an alternative education placement or program;
- student's cumulative discipline record to include the seriousness and number of previous infractions; and
- such other matters as the principal or the principal's designee deems appropriate.

Principals shall inform, consult with, or refer to the Superintendent's designee any discipline matters that involve situations of extreme danger, acts of violence, threats to the school, and any discipline matters that involve unusual circumstances or need special handling. The principal or the principal's designee shall notify the parent or legal guardian of each suspension and may require a conference with the parent or legal guardian prior to readmission. All disciplinary actions shall be taken in accordance with due process requirements.

B. Definitions

When used in this Regulation, unless otherwise specifically defined where used and/or unless the context requires a different meaning, the following terms shall have the following meanings:

Alcohol and Drugs: Testing for being under the influence of - A student who is referred to an administrator for exhibiting symptoms and behaviors associated with alcohol use may be administered an approved test by the administrator. For referrals associated with physical symptoms or behaviors that indicate the student may be under the influence of drugs at school, the administrator will contact the parent or legal guardian and inform them of the symptoms and the suspicion that the student may be under the influence of drugs. To rule out drug use, the student may be referred to a designated laboratory for nonintrusive urine screening before returning to school. When tests are positive, the student will be disciplined as provided above. In all cases where the tests are administered, the parent or legal guardian will be notified of the results.

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

Alternative Nicotine Product – Any noncombustible product containing nicotine that is intended for human consumption.

Battery/Assault - Intentional touching or striking of another person against their will, or intentionally causing bodily harm to an individual; occurs when one individual physically attacks another individual; includes an attack with a weapon or one that causes serious bodily harm to the victim.

Before/After School Detention - A student may be detained for a reasonable period of time before school or after the closing of the last scheduled class and may be required during this time to engage in such activities as may reasonably contribute to better behavior. Any student who has been assigned detention time shall promptly inform their parent or legal guardian. Except for unusual circumstances, a student shall be given at least one day's notice if assigned detention time.

Bullying - Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.

"Bullying" includes cyber bullying, but does not include ordinary teasing, horseplay, argument, or peer conflict.

Controlled Substance - As defined in the Drug Control Act, Chapter 34 (§§ 54.1-3400 *et seq.*) of Title 54.1 of the Code of Virginia and as defined in schedules I through V of 21 U.S.C. 812, including synthetic cannabinoids.

Cursing or Verbal Abuse - Profane, obscene or abusive language, whether or not directed at any person in a threatening or intimidating manner. Cursing or verbal abuse directed at any person may result in referral to law enforcement officials.

Destructive device -- means

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

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

Drug Paraphernalia - Those items described in Va. Code § 18.2-265.1.

Exclusion from Class or Classes - A student may be removed from a single class or several classes for a set period of time.

Exclusion -- means a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

Expulsion - A student's privilege to attend school may be terminated by the School Board in accordance with Va. Code §§ 22.1-277, 22.1-277.06.

Firearm – means

1. any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material;
2. the frame or receiver of any such weapon; or
3. any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

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

Imitation Controlled Substance - A pill, capsule, tablet or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, marijuana, or a synthetic cannabinoid, but which by overall dosage unit or appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, marijuana, or synthetic cannabinoid.

In-School Detention - A student may be removed from the student's regular schedule of classes and assigned to a classroom for the entire day for a reasonable period of time. The student is detained in the room for the day.

Long-term suspension -- means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days. A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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

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.

Prescription Drug or Medication - Any drug or other substance used in treating diseases healing, or relieving pain, including those prescribed by a health care provider and all over-the-counter drugs. This includes medication containing Cannabidiol (CBD) oil or THC-A oil.

Reasonable Suspicion - A belief based upon objective facts and the rational inferences that may be drawn from such facts or based on direct or reported observation. Factual foundations may include, but are not limited to, observation of the student's behavior appearance or performance such as bloodshot eyes, dilated pupils, staggering, odor of alcohol, erratic behavior or other behavior uncharacteristic of the student, agitation, explosiveness, altercations or violence, excessive absenteeism and tardiness, lethargy, or apparent consumption of alcohol or controlled substances.

Referral to Law Enforcement Officials - Violations of law may be handled by referring the case to law enforcement officials in addition to the use of other disciplinary measures. All incidents involving assault; assault and battery; sexual assault; death; shooting; stabbing, cutting or wounding of any person, abduction of any person as described in Va. Code §18.2-47 or §18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3; alcohol, marijuana, or synthetic cannabinoids, controlled substances, imitation controlled substances, anabolic steroids; threats against school personnel; the illegal carrying of a firearm onto school property; any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, or chemical bombs; or any threats or false threats to bomb will result in referral to law enforcement officials in accordance with Va. Code § 22.1-279.3:1.

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.

Special Assignment - A student may be given a special assignment as a corrective measure. This may include, but not be limited to, reasonable assignments for general assistance at the school facility.

Superintendent's Designee - Means a

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

Suspension from Extracurricular Activities - A student's privilege to participate in all or certain extracurricular activities or school-sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular activities may be imposed in conjunction with other penalties. Additionally, team rules or organization constitutions or by-laws at the individual school level may deny participation beyond the term imposed by the school administration.

Suspension from School - A student may be suspended from school for violation of this regulation as set forth in Va. Code §§ 22.1-277, 22.1-277.04, 22.1-277.05. A student shall not be permitted to participate in any school-sponsored activities while suspended. The principal may impose up to a ten-day suspension as deemed appropriate. A recommendation for suspension in excess of ten days or expulsion will be forwarded to the Superintendent's designee. Regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out-of-school suspension. Except as provided in subsection C of Va. Code § 277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education. Suspended students will be able to access and complete graded work during and after the suspension.

Suspension of Computer Privileges - Prohibited from access to computer networks and server resources.

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

Warning and Counseling - Warning and counseling are used where appropriate to assist a student to understand that the student's conduct interferes with the educational process, threatens the rights of others, or is contrary to school policy or regulations and needs to be corrected.

Weapons: Possession or Use - Shall include, but is not limited to, guns, firearms, blank guns, starter guns, pellet guns, air guns, toy guns, tear gas guns, chemical weapons, knives, metallic knuckles, blackjacks, explosive devices, joined rings, and other objects which may be used as weapons or imitation weapons.

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm

muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate.

C. Students may be disciplined as specified in the following applicable paragraphs:

1. Violation of Law and School Board Policy

Violations of law may be handled by referring the case to law enforcement officials in addition to the use of school disciplinary measures. All incidents involving assault; assault and battery; sexual assault; death; shooting; stabbing, cutting or wounding of any person, abduction of any person as described in Va. Code § 18.2-47 or § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3; alcohol, marijuana, synthetic cannabinoids, controlled substances, imitation controlled substances, anabolic steroids; threats against school personnel; the illegal carrying of a firearm onto school property; any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or chemical bombs; or any threats or false threats to bomb will result in referral to law enforcement officials in accordance with Va. Code § 22.1-279.3:1. The principal or the principal's designee also shall notify the parent or legal guardian of any student involved in such an incident 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.

2. Violation of School Regulations

- Continued or willful disobedience;
- Defiance of authority of any employee of the school system;
- Trespassing upon the property of any Chesterfield County school;
- Willful interruption or substantial disturbance of any school;
- Leaving school grounds without the prior written permission of the principal or the principal's designee;
- Absence from school without a valid excuse;
- Misrepresenting oneself using e-mail, or logging into or attempting to log into a school computer system server using an account not assigned to the student by the computer system administrator
- Cheating, plagiarism, or otherwise representing the work of others as one's own; and,
- Any other conduct that interferes with the orderly operation of the school.

3. Threats to Persons

- Conduct of such character as to constitute a danger to the physical well-being

- of others;
- A threat, oral or in writing (including electronically transmitted communication producing a visual or electronic message), to kill or do bodily harm, regardless of whether the person who is the object of the threat actually receives the threat, if the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm;
- Physically striking or otherwise committing an assault upon any teacher, administrator, other employee, or any other person;
- Cursing, bullying, or verbally abusing any person;
- Sexual misconduct, whether consensual or not;
- Verbal or physical harassment based upon another's race, gender, religion or disability;
- Profane language or conduct, obscene language or conduct, or demeaning remarks directed at students or staff;
- Use or possession of any type of weapon, either operable or inoperable, or a look-alike weapon; violation of this regulation will result in out-of-school suspension and may include a recommendation for expulsion;
- Defiance or insolence directed at a teacher or other staff member to include insubordination or disregard of a verbal instruction or direction; a student who brings a firearm as defined in Va. Code § 22.1-277.07(E), or Title 18, Section 921 of the United States Code, or as prohibited by Va. Code § 18.2-308.1 on school property or to a school-sponsored activity must be expelled for a minimum of 365 days. The Superintendent's designee may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the permanent expulsion of such students.
- Use or possession of any object deemed by the principal to be a threat to the safety or welfare of the student or other persons.

4. Threats to Property

- Taking or attempting to take another person's personal property or money, including school-owned property or money;
- Damaging or attempting to damage school property or the property of others;
- Unauthorized occupancy of any part of the school or school grounds, or failure to leave promptly after having been directed to do so by the principal, other school employee, or law enforcement officer;
- Willfully damaging or attempting to damage software, operating systems, or data files stored on school computer systems; and,
- Any threat, false or not, or attempt to bomb, burn or destroy in any manner a school building or any portion thereof.

Range of consequences for 1 through 4 above in alphabetical order to be used alone or in combination as determined appropriate by the principal or enforcing authority. Schools may collaborate with and utilize resources from student support services and student leadership offices where possible.

- alternative placement
- community service
- confiscation of prohibited items
- counseling
- detention before/after school
- detention in school
- exclusion from class
- recommendation for expulsion
- recommendation for long-term suspension
- referral to law enforcement officials
- special assignments
- suspension from extracurricular activities
- suspension of computer privileges
- suspension out of school
- warning

5. Substance Abuse

A substance abuse offense is a serious infraction of the Chesterfield County Public Schools' Standards for Student Conduct and the Code of Virginia. A substance abuse offense includes the possessing, using, being under the influence, distributing, receiving, or attempted/intended distribution of:

- alcohol, alcohol product, or alcohol container
- prescription and over the counter drug
- anabolic steroid or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, a synthetic cannabinoid or controlled substance (as defined in the Drug Control Act, Chapter 34 (§§ 54.1-3400 *et seq.*) of Title 54.1 of the Code of Virginia and as defined in schedules I thru V of 21 U.S.C. 812)
- imitation controlled substance
- drug paraphernalia (as defined in Va. Code § 18.2-265.1)
- any drugs or any other noxious chemical substances including but not limited to fingernail polish or model airplane glue, containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons or vapors, deliberately smelled or inhaled, or causing others to do so, with the intent to become intoxicated, inebriated, excited, stupefied or to dull the brain or nervous system

Upon reasonable suspicion that a student is in violation of this regulation regarding substance abuse, the principal or the principal's designee may require that the student be tested for alcohol by use of an approved test by an administrator or tested for drugs at a designated facility, as appropriate. Reasonable suspicion is defined as a belief based upon objective facts and the rational inferences, which may be drawn from such facts or based on direct or reported observations. Factual foundations may include, but are not limited to, observation of the student's behavior or performance such as bloodshot eyes, dilated pupils, staggering, odor

of prohibited substance, erratic behavior or other behavior uncharacteristic of the student, agitation, explosiveness, altercation or violence, excessive absenteeism and tardiness, lethargy, or apparent consumption of alcohol, marijuana, a synthetic cannabinoid or controlled substances. A student who refuses to submit to alcohol or drug testing in such cases may be disciplined, including, but not limited to, suspension or expulsion. A suspected violation may be referred to law enforcement officials. All incidents involving a violation of these prohibitions shall be reported to the principal.

Consequences for certain violations are as follows:

a. Alcohol

Using, possessing, distributing, receiving, or being under the influence of alcohol or alcohol products is prohibited and shall result in suspension or expulsion according to the following schedule:

First offense: (a) a ten day out-of-school suspension; (b) no participation in or attendance at any after-school or school sponsored activities until the student has successfully attended five full-school days and completed formalized plans for all of the student's courses as it pertains to instructional make-up work; (c) loss of parking privileges for 365 days.

Second offense: a recommendation for extended suspension or expulsion.

b. Marijuana, Synthetic Cannabinoids, Controlled Substance, Imitation Controlled Substance or Drug Paraphernalia

Virginia Code § 22.1-277.08 requires that a School Board expel a student who has been determined "to have brought a controlled substance or imitation controlled substance as those terms are defined in Va. Code § 18.2-247 school property or to a school-sponsored activity." A student who possesses, distributes, receives any controlled substance, imitation controlled substance, marijuana or synthetic cannabinoid at any time while on school property or at a school-sponsored activity will be recommended for expulsion by the principal. In the case of a first violation, the Superintendent's designee may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the permanent expulsion of such students.

Being under the influence of marijuana, synthetic cannabinoids or any controlled substance or possessing drug paraphernalia is prohibited and shall result in suspension or expulsion according to the following schedule:

First offense: (a) a ten day out-of-school suspension; (b)) no participation in or attendance at any after-school or school sponsored activities until the student has

successfully attended five full-school days and completed formalized plans for all of the student's courses as it pertains to instructional make-up work; (c) loss of parking privileges for 365 days.

Second offense: a recommendation for expulsion.

c. Prescription Drugs

The illegal use of prescription drugs is prohibited. Further, no student may have in their possession any prescription drug. The parent or legal guardian shall take all such items to the office of the principal or the principal's designee for safekeeping and administration within prescribed procedures. Any student who possesses, distributes, or receives a prescription drug at any time while on school property or at a school-sponsored activity will be recommended for expulsion by the principal. In the case of a first violation, the Superintendent's designee may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the permanent expulsion of such students.

d. Over-the-Counter Drug

No student may have in their possession any over-the-counter drug, even if recommended or prescribed for the student's use. The parent or legal guardian shall take all such items to the office of the principal or the principal's designee for safekeeping and administration within prescribed procedures. Possessing, using, distributing, or receiving over-the-counter drugs by a student is prohibited and may result in a disciplinary action as determined by the principal.

6. Tobacco/Vaping Violations

Using or possessing tobacco products – including, but not limited to any product referred to as a “nicotine vapor product,” an “alternative nicotine product,” an “electronic cigarette” or an “electronic smoking device” – is prohibited, and shall result in suspension or expulsion according to the following schedule:

- First offense: referral to resources to help overcome tobacco addiction
- Second offense: three-day out-of-school suspension
- Third offense: five-day out-of-school suspension
- Fourth offense: ten-day out-of-school suspension
- Fifth offense: suspension for a minimum of ten days and may include a recommendation for extended suspension or expulsion

7. Gang Activity

Criminal street gangs are defined in Va. Code § 18.2-46.1. Gang-related activity will not be tolerated in any school or at any school activity and may be subject to disciplinary consequences, to include out of school suspension and a

recommendation for expulsion. Symbols of gang membership are expressly prohibited. Examples include clothing that symbolizes association, rituals associated with, or activities by an identified group of students. All suspected gang activity would be reported to the school's resource officer or other law enforcement representative.

8. Weapons:

A student shall not use or have in their possession any type of weapon either operable or inoperable. Violation of this regulation will result in out of-school suspension and may result in a recommendation for expulsion. For more information, see Section B., Definitions, and Va. Code § 22.1-277.07; certain offenses require the principal to recommend the student for expulsion.

9. Sexual Harassment

Sexual harassment is illegal behavior that harms the victim and negatively impacts the school system by creating an environment of fear, distrust, and intolerance. Because Chesterfield County Public Schools is committed to providing a safe, healthy environment for all students that promotes respect, dignity, and equality, it is the purpose of this regulation to create and preserve an educational environment free from unlawful sexual harassment and discrimination on the basis of sex.

Chesterfield County Public Schools strictly prohibits all forms of sexual harassment on school grounds, school buses, and at all school-sponsored activities, programs and events. It shall be a violation of this regulation for any student, employee or third party (school visitors, vendors, etc.) to sexually harass any student.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, employees or third parties when:

- a. Submission to the conduct is made explicitly or implicitly a term or condition of a student's education (including any aspect of the student's participation in school-sponsored activities or any other aspect of the student's education);
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting a student's academic performance, participation in school sponsored activities, or any other aspect of a student's education;
- c. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or of creating an intimidating, hostile, or offensive educational environment.

Examples of school-related conduct that the school system considers

unacceptable and often a part of sexual harassment include, but are not limited to, the following:

- a. Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender based activity of a criminal nature as defined by the laws of Virginia;
- b. Unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
- c. Unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
- d. Any unwelcome communication that is sexually suggestive, sexually degrading, or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance, or activities; sexual jokes; sexual gestures; public conversation about sexual activities or exploits; sexual rumors and "ratings lists;" catcalls and whistles; sexually graphic computer files, messages or games, etc.;
- e. Unwelcome and offensive name-calling or profanity that is sexually suggestive, sexually degrading implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
- f. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, stalking, frontal body hugs;
- g. Unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies," or "wedgies," pinching, placing hands inside an individual's pants, shirt, blouse, or dress;
- h. Unwelcome leers, stares, gestures, or slang that is sexually suggestive, sexually degrading, or implies sexual motives or intentions;
- i. Clothing with sexually obscene or sexually explicit slogans or message;
- j. Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material; and
- k. Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

In compliance with applicable federal law, it is the policy of the Chesterfield County Public Schools to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex.

10. Hazing of Students

It is unlawful to haze or otherwise mistreat so as to cause bodily injury to any student at any school or in any school activity whether it is part of an initiation ritual for club or

extracurricular activity membership or athletic program. Students found to be in violation will be suspended out of school for harassment. Any student found to be in violation and causing bodily injury to another student shall be referred to law enforcement consistent with Va. Code § 18.2-56. Any student found guilty of hazing by the court system will be recommended to the School Board for expulsion. Complaints of hazing shall be reported to the building administrator to be investigated using the same procedures as for sexual harassment.

11. Bullying

A student, individually or as part of a group, shall not harass or bully others. Bullying behavior may include physical, intimidation, taunting, name calling and insults; comments regarding the race, gender, religion, physical abilities or characteristics of associates of the targeted individual; and falsifying statements about the targeted individual or associates. Bullying behavior may be verbal or non-verbal. A student who is found in violation may be suspended out of school; repeated violations may result in a recommendation for long-term suspension or expulsion. The principal shall notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

The principal or principal's designee will notify the parent of any student involved in an alleged incident of bullying within 24 hours of learning of the allegation of bullying.

12. Student Use of Technology

Chesterfield County Public Schools strives to provide equitable access and encourages the use of technology, whenever possible and appropriate, to support the curriculum and student learning objectives. Technology includes but is not limited to computers, other hardware, electronic devices including any cell phone, software, Internet, Intranet, e-mail, and all other networks.

Any mobile device purchased and issued to students for their use by the Chesterfield County Public Schools (the "division") shall remain the property of the division. Unless otherwise directed by the Superintendent or the Superintendent's designee, all such mobile devices shall be returned by students to the division prior to the conclusion of each school year and prior to the student's withdrawal from the division if earlier than the conclusion of the school year. In addition, a student shall return the student's division-owned mobile device immediately upon the request of any division teacher, administrator, or other division official.

- a. Acceptable use of technology and electronic information systems by students includes:
- accessing research databases and libraries of information in the form of text, graphics, photographs, video, and sound;
 - interacting and collaborating with others;
 - acquiring knowledge and skills to support learning objectives;

- publishing opportunities; and,
- extending teaching and learning opportunities.

Chesterfield County Public Schools allows students to access electronic information systems while safeguarding students from potential hazards by filtering for objectionable sites and activities. Students are allowed access to Internet resources with the understanding that some material may be inaccurate or objectionable. The use of inappropriate resources is not permitted.

Chesterfield County Public Schools does not endorse and is not responsible for content associated with links outside of the Chesterfield County Public Schools' network. Chesterfield County Public Schools reserves the right to block downloading from specific file extensions or specific sites. Students using Chesterfield County Public Schools' electronic information systems are subject to monitoring by Chesterfield County Public School personnel and school division contracted vendors. Students must sign an acceptable use agreement annually and students to whom a division-owned mobile device is issued as a part of a "mobile device program," shall sign a *Student Mobile Device Usage Agreement Form*.

Chesterfield County Public Schools may provide students with access to online educational services and websites purchased through contracts with educational companies and vendors. Students may be provided with a username and password to access educational content or activities on these websites. All students shall maintain the confidentiality of their passwords, except that such passwords may be shared with parents and/or guardians. In addition, all students – including those to whom a division-owned mobile device is issued as a part of a "mobile device program" – are required to use their CCPS network user accounts to gain access (log in) to their computers and mobile devices.

Some websites may collect personally identifiable information from students, including usernames and passwords. Specific website company/vendor privacy policies should be consulted regarding collection of information, including information for students under the age of 13. Please contact Chesterfield County Public Schools at any time regarding privacy questions or concerns, or to request to review what personally identifiable information has been provided by the school and/or division. Upon request, Chesterfield County Public Schools will provide contact information for the educational companies and vendors for such websites so that parents may contact them directly. Parents may also contact Chesterfield County Public Schools and/or the website company/vendor at any time to request that they delete the personally identifiable information of their child and disallow further access. Please note that this removal could prevent the student from having access to critical instructional materials.

- b. Unacceptable use of technology and electronic information systems by students includes, but may not be limited to:
- sending or accessing material containing obscene or sexually explicit

language or images, to include sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on any cell phone, computer or other electronic means during school hours or activities on or off campus, while on school division property, during any recess, lunch or leave periods on or off school division property, by use of school division property, or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school or the educational process or experience;

- sending electronic communications containing inappropriate, profane, obscene, abusive, or offensive language;
- sending electronic communications conveying a threat against any student, school personnel, or school property;
- using on any school bus or within any school or classroom a personal device to monitor, listen, or record any conversation, classroom instruction, or other activity;
- failing to disable the monitoring, listening, or recording capability of any personal electronic device;
- providing personal or confidential information about another individual or sharing or exchanging passwords for purposes not appropriate to the educational program;
- using another student's username and/or password to access accounts or for receipt of services;
- posting harassing, inflammatory, or threatening information about a person or event;
- violating copyright, privacy, plagiarism, or intellectual property laws;
- accessing material for commercial purposes that do not support the instructional mission;
- damaging any computers, computer systems, computer networks, or other electronic information systems;
- using Chesterfield County Public Schools' electronic information systems for purposes that do not support the instructional mission;
- altering or attempting to alter school system data;
- circumventing internet filters that are managed by the Department of Technology, which shall include using a student's personal internet access/provider during the school day; and,
- altering the configuration of any device owned by the Chesterfield County Public Schools that, among other things, masks its identity, prevents remote monitoring, or renders the device unable to perform its intended purpose(s).

The use of technology as an educational and instructional resource requires that students entrusted with the privilege of its use be held accountable. It is the responsibility of the user to obey the rules and procedures governing acceptable use at all times. Students are personally accountable for any and all activities logged to their computer identification and password. Any activities that disrupt or interfere with the safety and welfare of the school community are prohibited, even

if such use takes place off school property. Such activities will be subject to school disciplinary action.

c. Penalties for improper use of technology by a student or a violation of the acceptable use agreement by a student may include:

- warning
- conference with student or parent
- in school detention
- before or after school detention
- suspension or termination of computer privileges
- suspension out of school
- recommendation for long-term suspension or expulsion
- legal action
- restitution

13. Cellphone guidance

This updated section shall be effective on January 1, 2025—However, between January 1, 2025 and March 2, 2025, schools shall have discretion to establish expectations and associated consequences.

The following guidance remains in place until such time that there is a school division and/or school defined emergency whereby students can then turn on and/or use a cellphone or personal electronic communication device. In addition, a cellphone or personal electronic communication device may be used in accordance with an Individualized Education Plan (IEP) or 504 plan (Section 504 of the Rehabilitation Act) or an individualized health care plan.

An additional exemption can be determined, if necessary, by the school division and/or school principal on a case-by-case basis, including field trips, extracurricular activities, etc.

“Instructional Day” means bell-to-bell— from when the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the academic school day. It includes lunch and time in between class periods.

“Personal Electronic Communication Device”, etc--means any personal device capable of connecting to a smart phone, the internet, a cellular or Wi-Fi network, or directly connects to another similar device.

Personal electronic communication devices may include some wearable devices such as smart watches, as well as personal headphones, laptops, tablets, and other future personal electronic communication devices with the abovementioned characteristics.

“Stored”, etc--means a cellphone or personal electronic communication device not being carried on the student’s person, including not in the student’s pocket. Options include, but are not limited to, in the student’s backpack, in the student’s locker, or in a designated place in the classroom.

Elementary School Level Guidance

Use of Cellphone or Other Personal Electronic Communication Device by Students

School - During the Instructional Day

Students are allowed to possess a cellphone or other personal electronic communication device while on school property during the instructional day. However, the phone or other personal electronic communication device should be turned off and stored in their backpack.

- If the procedures are violated, it may result in confiscation of the cellphone or other personal electronic communication device. Repeated violation of these procedures could result in the loss of these privileges and may result in in-school detention or out of school suspension.
- A student found using a cellphone or other personal electronic communication device during any testing situation will have the cellphone or other personal electronic communication device immediately confiscated and will lose the privilege for the remainder of the school year.
- Any student who uses a cellphone or other personal electronic communication device for unlawful activity while on school property, or while attending any school function or activity, will be subject to disciplinary action that may include out-of-school suspension or a recommendation for expulsion.
- If a student refuses to hand over a cellphone or personal electronic communication device, it will be considered refusal to comply with staff request. Refusal to comply with staff request and use of the cellphone or personal electronic communication device in school may result in more severe disciplinary consequences.

School Bus (extension of school property)

Cellphones and other personal electronic communication devices should be turned off and stored in their backpacks.

- Use of cellphones or other personal electronic communication devices to record misbehavior on the school bus is prohibited and in violation of the acceptable use policy. Repeated violation of these procedures could result in the loss of these privileges and may result in suspension from the school bus or out-of-school suspension.

Chesterfield County Public Schools is not responsible for lost or stolen personal cellphones or other personal electronic communication devices.

Middle School Level Guidance

Students are allowed to possess a cellphone or other personal electronic communication device while on school property during the instructional day. However, the phone or other personal electronic communication device should be turned off and stored in their backpack.

- If the procedures are violated, it may result in confiscation of the cellphone or other personal electronic communication device. Repeated violation of these procedures could result in the loss of these privileges and may result in in-school detention or out-of-school suspension of up to ten days.
- A student found using a cellphone or other personal electronic communication device during any testing situation will have the cellphone or other personal electronic communication device immediately confiscated and will lose the privilege for the remainder of the school year.
- Any student who uses a cellphone or other personal electronic communication device for unlawful activity while on school property, or while attending any school function or activity, will be subject to disciplinary action that may include out-of-school suspension or a recommendation for expulsion.
- If a student refuses to hand over a cellphone or personal electronic communication device, it will be considered refusal to comply with staff request. Refusal to comply with staff request and use of the cellphone or personal electronic communication device in school may result in more severe disciplinary consequences.

School Bus (extension of school property)

Cellphones and other personal electronic communication devices may be used.

- Use of cellphones or other personal electronic communication devices to record misbehavior on the school bus is prohibited and in violation of the acceptable use policy. Repeated violation of these procedures could result in the loss of these privileges and may result in suspension from the school bus or out-of-school suspension of up to ten days.

Chesterfield County Public Schools is not responsible for lost or stolen personal cellphones or other personal electronic communication devices.

High School Level Guidance

Students are allowed to possess a cellphone or other personal electronic communication device while on school property during the instructional day. However, the phone or other personal electronic communication device should be turned off and stored in their backpack.

- If the procedures are violated, it may result in confiscation of the cellphone or other personal electronic communication device. Repeated violation of these procedures could result in the loss of these privileges and may result in in-school detention or out-of-school suspension of up to ten days.
- A student found using a cellphone or other personal electronic communication device during any testing situation will have the cellphone or other personal electronic

communication device immediately confiscated and will lose the privilege for the remainder of the school year.

- Any student who uses a cellphone or other personal electronic communication device for unlawful activity while on school property, or while attending any school function or activity, will be subject to disciplinary action that may include out-of-school suspension or a recommendation for expulsion.
- If a student is found in violation of cellphone or other personal electronic communication device, the following consequences will be issued:

1st Violation

- Cellphone or personal electronic communication device is confiscated and given to administration.
- Cellphone or personal electronic communication device is returned to the student at the end of the day.

2nd Violation

- Cellphone or personal electronic communication device is confiscated and given to administration.
- Cellphone or personal electronic communication device is returned to the parent at the end of the day.
- Students are subject to appropriate disciplinary consequences which may include in-school detention.

3rd Violation and Subsequent Violations

- Cellphone or personal electronic communication device is confiscated and given to administration.
- Parents must schedule a parent/student/administrator conference between 8:00 a.m. and 3:45 p.m. Cellphone or personal electronic communication device is returned to the parent. Additional violations of the appropriate school-use expectations may result in the loss of the privilege to have a cellphone or personal electronic communication device on school grounds.
- Students are subject to appropriate disciplinary consequences which may include in-school detention or out-of-school suspension.

If a student refuses to hand over a cellphone or personal electronic communication device, it will be considered refusal to comply with staff request. Refusal to comply with staff request and use of the cellphone or personal electronic communication device in school may result in more severe disciplinary consequences.

School Bus (extension of school property)

Cellphones and other personal electronic communication devices may be used.

- Use of cellphones or other personal electronic communication devices to record misbehavior on the school bus is prohibited and in violation of the acceptable use policy. Repeated violation of these procedures could result in the loss of these privileges and may result in suspension from the school bus or out-of-school suspension of up to ten days.

Chesterfield County Public Schools is not responsible for lost or stolen personal cellphones or other personal electronic communication devices.

Use of Cellular Telephone or Other Personal Device by Students

Schools may establish procedures that allow a student to possess, turn on and use a personal cellular telephone or other personal device while on school property during the instructional day. Schools may also establish in these procedures that violations may result in confiscation of the cellular phone or other personal device and repeated violations could result in the loss of these privileges and may result in before or after school detention or out of school suspension of up to ten days.

A student found using a cellular telephone or other personal device during any testing situation will have the cellular telephone or other personal device immediately confiscated and will lose the privilege for the remainder of the school year. Any student who uses a cellular telephone or other personal device for unlawful activity while on school property, or while attending any school function or activity, will be subject to disciplinary action that may include out of school suspension or a recommendation for expulsion.

Chesterfield County Public Schools is not responsible for lost or stolen personal cellular telephones or other personal electronic devices.

D. Search and Seizure

Lockers and other facilities made available to students for storing their personal possessions remain under the joint control of the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items that violate law or school policies and regulations, or that may be harmful to the school or its students. Vehicles parked on school property, lockers, and other storage facilities may be subject to periodic and random searches by school officials as well as by trained dogs.

The school administration also has the right to search any student and the student's belongings when there is reasonable suspicion to believe that the student possesses an item that violates law or school policies and regulations, or that may be harmful to the school or its students. Searches will be conducted by school staff in accordance with state and federal law.

E. Video Surveillance

As a component of a comprehensive safe school plan, video surveillance, with or without audio capability, may be used in the common areas of certain schools and on school buses to maintain the security of students, staff members and visitors. Surveillance equipment

may or may not be monitored at any time. Video recordings may be used for disciplinary purposes. Law enforcement representatives in the course of a criminal investigation may view video recordings.

F. Disciplinary Authority Under Certain Circumstances

The Superintendent's designee may require any student to attend an alternative education program regardless of where the crime occurred if the student has been:

- charged with an offense relating to Virginia law or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- found guilty or not innocent of an offense relating to Virginia 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 pursuant to Va. Code §16.1-305.1;
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or,
- expelled pursuant to Va. Code §§ 22.1-277, 22.1-277.06, 22.1-277.07, or 22.1- 277.08.

G. Procedures for Suspension and Expulsion

1. Suspension for Ten Days or Less

The principal, any assistant principal, or in their absence, any teacher may suspend a pupil for ten school days or less using the following procedures:

- a. The student shall be apprised of the nature and facts of the alleged misconduct.
- b. The student shall be given an opportunity to explain the circumstances of the alleged misconduct from the student's perspective.
- c. The principal shall verify that the student has not been identified as a student with a disability or is suspected of being a student with a disability under the Individuals with Disabilities in Education Act before suspending the student for more than an aggregate of ten days in a school year.
- d. The student shall be informed of the conditions of the suspension, such as the required conference with the parent or legal guardian prior to return, prohibition from coming on school property, and prohibition on attending scheduled school activities or school sponsored events.
- e. The principal shall execute a letter of suspension stating the condition of the suspension and the date that the student may return to school, the availability of community- based educational programs, alternative education programs, or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the

educational program offered by the school division shall be borne by the parent or legal guardian. Copies of the letter of suspension shall be given to the student, if possible, and mailed to the student's parent or legal guardian.

- f. The parent or legal guardian shall be notified of the right to an appeal and the procedures for appeal.
 - g. Suspended students will be able to access and complete graded work during and after the suspension.
2. Emergency Suspension

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be summarily removed from school immediately. The notice, explanation of facts, and the opportunity to present the student's version required under Suspension for Ten Days or Less shall be given as soon as practicable thereafter.

3. Suspension in Excess of Ten Days

The Superintendent's designee may suspend a student from school in excess of ten school days after the student and the parent or legal guardian have been provided written notice of the proposed action, the reason therefore, and the right to a hearing before the Superintendent's designee. The Superintendent's designee shall execute a letter of suspension, stating the condition of the suspension and the date that the student may return to school, the availability of community-based educational programs, alternative education programs or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the division shall be borne by the parent or legal guardian. In any case in which a student has been suspended by the Superintendent's designee after a hearing, the student and the parent or legal guardian may appeal the decision to the School Board. Such appeal must be in writing and must be filed with the Superintendent's designee within seven calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The School Board will consider the appeal upon the record of the suspension hearing within 30 calendar days of the appeal. Suspended students will be able to access and complete graded work during and after the suspension.

4. Expulsion

The principal may recommend that a student be expelled. Recommendations for expulsion for actions other than those specified in Va. Code §§ 22.1-277.07 and 22.1-277.08 shall be based on consideration of the following factors:

- nature and seriousness of the violation;
- degree of danger to the school community;

- student's disciplinary history, including the seriousness and number of previous infractions;
- appropriateness and availability of alternative education placement or programs;
- student's age and grade level;
- results of any mental health, substance abuse, or special education assessments;
- student's attendance and academic records; and,
- other matters as deemed appropriate.

No decision to expel a student shall be reversed on the grounds that these factors were not considered, and these factors may be considered as special circumstances for the purposes of complying with Va. Code §§ 22.1-277.07 and 22.1-277.08.

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate.

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

The principal shall notify the student and the parent or legal guardian in writing of the following:

- proposed action and the reasons therefore;
- right of the student and the parent or legal guardian to a hearing before the Superintendent's designee; and,
- right to inspect the student's school records.

The student and the parent or legal guardian shall also be provided with a copy of the Standards for Student Conduct.

If the Superintendent's designee upholds the recommendation of expulsion, the student shall be suspended until the School Board decides the matter. The Superintendent's designee may impose a lesser sanction. In cases involving weapons as described in the Va. Code § 22.1-277.07 or drugs as described in Va. Code § 22.1-277.08, the Superintendent's designee may conduct a preliminary review of such cases

to determine whether a disciplinary action other than expulsion is appropriate. If a determination is made that another disciplinary action is appropriate, then the Superintendent's designee may implement that disciplinary action so long as it is taken in accordance with procedures related to student discipline in this regulation.

If the Superintendent's designee upholds the principal's recommendation of expulsion, the student and the parent or legal guardian may request a hearing before the School Board. Such request must be in writing and must be filed with the Superintendent's designee within seven calendar days of the decision to uphold the principal's recommendation. Failure to file a written request within the specified time will constitute a waiver of the right to a hearing before the School Board. In cases where there is no appeal of the recommendation for expulsion, the School Board will act on the recommendation for expulsion in the absence of the parent or legal guardian and the student. Upon a timely request for a hearing before the School Board, the Superintendent's designee shall notify the student and the parent or legal guardian of the time and place of the hearing.

5. School Board Hearing

The procedure for the School Board hearing shall be as follows:

- a. The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
- b. The School Board may ask for opening statements from the principal or the principal's representative and the student or the parent, legal guardian or representative and, at the discretion of the School Board, may allow closing statements.
- c. The parties shall then present their evidence. The principal has the ultimate burden of proof and shall present evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representatives). 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 testimony of a student witness outside the presence of the student in the discipline case, the parent, legal guardian or their representative if the School Board determines, at its discretion, that such action is necessary to protect the student witness.
- d. The parties shall produce such additional evidence the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
- e. 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.
- f. The School Board may, by majority vote, uphold, reject, or alter the

recommendation.

- g. The School Board shall transmit its written decision to the student, the parent or legal guardian, the principal and Superintendent, including the reasons therefore, the length of the expulsion, the availability of community-based educational programs, alternative education programs or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the division shall be borne by the parents.

The School Board may permit or require an expelled student to attend an alternative education program provided by the School Board for the term of the 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 adult education program in the school division, the School Board shall advise the parent or legal guardian that the student may petition the School Board for readmission to be effective one calendar year from the date of expulsion and of the conditions, if any, under which readmission may be granted. Petitions for readmission must be submitted by the parent or legal guardian to the Superintendent's designee no fewer than 60 days and no more than 90 days prior to the expiration of the expulsion or within such other period as may be established by the School Board in the notice of expulsion.

The Chair of the School Board may elect, at the Chair's discretion, to appoint a committee of the School Board to hear the expulsion case. In the event a committee conducts the hearing, the student or the parent or legal guardian may appeal the committee's decision to the full School Board if the committee's decision is not unanimous. The appeal must be in writing and must be filed with the Superintendent's designee within five calendar days of the committee's decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The School Board will decide the appeal upon the record of the case within 30 calendar days of the request for an appeal. No statements, witnesses, or evidence may be presented at this appeal unless specifically requested by the Chair of the School Board.

H. Procedure for Appealing Out-Of-School Suspension of Ten Days or Less

A decision to suspend a student may be appealed by the student's parent or legal guardian. An appeal of a suspension shall not hold the suspension in abeyance. Failure to file a written notice of appeal within the prescribed time will constitute a waiver of the right to appeal. A parent or legal guardian may appeal a suspension to the principal of the school, and then to the Superintendent's designee in the following manner:

1. A parent or legal guardian shall submit a written letter of appeal to the principal of the school within two administrative working days of notification of the suspension. The parent or legal guardian should state specifically the reasons for the appeal and consider the following before appealing a suspension: (a) whether the facts warrant the

suspension, (b) if the consequences were appropriate for the behavior, and (c) whether school and county procedures were followed. The principal shall review the suspension, all the evidence, and render a written decision as soon as possible but within three working days.

2. To appeal further, the parent or legal guardian shall submit written notice to the principal, within two administrative working days of the principal's decision to uphold the suspension, requesting that the principal forward the letter of appeal and all documentation to the Superintendent's designee for a review. The Superintendent's designee shall review the information, gather additional information, or conduct a hearing if necessary, and render a written decision. For suspensions of ten days or less, the decision of the Superintendent's designee shall be final.

I. Procedure for Appealing Out-Of-School Suspension of More than Ten Days

The Superintendent's designee may suspend a student from school in excess of ten school days after the student and the parent or legal guardian have been provided written notice by the principal of the proposed action, the reason thereof, and the right to a hearing. A decision to suspend a student in excess of ten school days may be appealed by the student's parent or legal guardian. An appeal of a suspension shall not hold the suspension in abeyance. A parent or legal guardian may appeal a suspension in excess of ten days to the School Board in the following manner:

1. When a student has been suspended more than ten days by the Superintendent's designee, the student and the parent or legal guardian may appeal that decision to the School Board. Such an appeal must be in writing and must be filed within seven calendar days of the decision to suspend in excess of ten days. The parent or legal guardian should state specifically the reasons for the appeal and consider the following before appealing a suspension: (a) whether the facts warrant the suspension, (b) if the consequences were appropriate for the behavior, and (c) whether school and county procedures were followed. Failure to file a written appeal within the specified time will constitute a waiver of the right to appeal.
2. The School Board shall, within 30 calendar days of the decision to suspend in excess of ten days, conduct a review of the record and render a written decision.

J. Procedure for Imposing and Appealing Out-of-School Exclusions

Any student who has been suspended for more than 30 days or expelled by a public or private school in or outside of Virginia, or for whom admission to a private school has been withdrawn may be excluded from attendance from Chesterfield County Public Schools upon written notice to the student and the parent or legal guardian setting forth the reasons therefore and the opportunity for a hearing before the Superintendent's designee. The decision of the Superintendent's designee shall be final unless altered by the School Board, upon a written petition filed with the Superintendent's designee by student or the parent or legal guardian within five days of the decision of the Superintendent's designee to exclude. Upon a timely petition, the School Board shall review the matter on the record.

In the case of a suspension of more than 30 days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon the student by the expelling school board. 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, a period that shall be established by the Superintendent's designee, the student may again petition the School Board for admission. If the School Board again rejects the petition for admission, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which the student may petition the School Board again for admission.

K. Discipline of Students with Disabilities

1. Definition

For purposes of this regulation, a student will be considered disabled if identified as disabled by the Eligibility Committee and not subsequently terminated from the special education program or if, prior to the date on which the misconduct occurs, there is reason to suspect a disability.

2. Short-Term Suspension

A student with disabilities may be suspended out of school for ten days or less at a time in accordance with regular suspension procedures. The imposition of any additional short-term suspension after the first ten days cumulative in a school year must be reviewed to determine whether it will result in a change in placement. If it is found to result in a change in placement, then the discipline procedures for a suspension of greater than 10 days must be followed.

- a. The principal is to keep a tally of the total number of days of suspension received by each disabled student. When a student has accumulated more than ten days of suspension in any single school year, the principal must refer the student to the coordinator of special education in the school for a review of the student's educational program and to consider whether the suspensions have effected a change in placement. More than ten cumulative days of short-term suspensions in a single school year may be a change in placement requiring a manifestation determination review. A student with a disability may be removed from the student's current educational setting for a period of time that cumulatively exceeds ten school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. Isolated short-term suspensions for unrelated instances of misconduct may not be considered a pattern. Factors to consider in determining whether a change in placement has occurred are the length of each suspension, the proximity of the suspensions, and the total number of days suspended in a

single year. If it is determined that this suspension would result in a change in placement, then the procedures in Section 3 for Long-term Suspension and Expulsion must be followed. Customary procedures for notice of evaluation and of the IEP meeting, including procedural safeguards, must be followed.

- b. Suspension from the bus may count as a day of suspension if the student does not receive the services specified in the IEP during the suspension.
- c. In-school suspensions may count as a day of suspension if the student is not allowed the opportunity to continue progress in the general curriculum or receive the IEP services.

3. Long-Term Suspension and Expulsion

If it is proposed that a student with a disability be expelled or receive a single suspension of more than ten days at a time, the following procedures must be followed in addition to the regular suspension and expulsion procedures:

- a. The principal shall notify the Superintendent's designee immediately of the proposed disciplinary action.
- b. Because long-term suspensions and expulsions are a change in placement, notice of the contemplated disciplinary recommendation, the reasons for the disciplinary action and notice of procedural safeguards must be given to the parent or legal guardian the same day as the recommendation for discipline is made. The notice will be considered as given if mailed first class postage prepaid on the date the recommendation for discipline is made. The principal or the principal's designee is responsible for seeing that these notices are given.
- c. The Manifestation Review Committee composed of relevant members of the IEP Committee must be convened within ten school days of the recommendation for a long-term suspension or expulsion.

If the committee determines that there is no manifestation, the student may be considered for a long-term suspension or expulsion through regular disciplinary procedures. The student still must be provided with a free appropriate public education, although in another setting.

If the committee determines that there is a manifestation, the student may not receive a long-term suspension or expulsion. The student may still be suspended for a maximum of ten days for this offense by following the short-term suspension requirements for students with disabilities.

The student may not be suspended from school for more than ten days while the manifestation committee process is being followed unless the parent or legal guardian gives permission for a longer suspension or for a change in placement that may be homebound instruction. In the absence of parental consent, authorization for a longer suspension or change in placement may be sought from

the court or from a hearing officer. Students with disabilities (1) who bring weapons to school or possess weapons on school premises or at a school function or (2) knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance while at school or a school function may be removed from school for 45 calendar days. A student in these circumstances may be placed in an interim alternative education program without parental consent and regardless of whether the misconduct is a manifestation of the student's disability. This unilateral authority to remove the child from their IEP placement does not limit the authority of the administrator to recommend appropriate discipline.

While proceedings are pending to contest the imposition of discipline, and except as provided above, the student must remain in their current educational placement.

- d. In those cases where the handling of discipline is specified in the student's IEP, the IEP's provisions shall supersede this regulation.

If prior to the misconduct occurring there is knowledge by the school that the student has a disability but has not yet been identified, the student is entitled to assert the protections afforded to identified students with disabilities.

A student, who is referred for identification as disabled after disciplinary measures are taken and for whom there was no knowledge of a disability prior to the misconduct occurring, is subject to the same disciplinary procedures as students without disabilities. The student is entitled to an expedited evaluation. Special education and related services will be provided if the student is found to be eligible. The manifestation review decision and the educational services provided to a student with disabilities while disciplined may be challenged in a due process hearing under applicable special education laws.

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 Revised: August 15, 2022
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 Revised: April 22, 2014
 Revised: June 25, 2013
 Revised: June 26, 2012
 Revised: November 15, 2011
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 Revised: April 27, 2010

Adopted: December 8, 2009

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-308, 18.2-308.1, 18.2-380.7, 18.2-433.1, 22.1-70.2, 22.1-253.13:7, 22.1- 276.3, 22.1-277, 22.1-277.07, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.6, 22.1-288.2, 46.2-323, 46.2-334.001.

Cross Ref.: 2190 Reporting Acts of Violence and Substance Abuse 3130 Safe Schools
4110 Equal Educational Opportunities/Nondiscrimination
4020 Attendance
4130 Administration of Medication to Students
4130-R Procedures for Administration of Medication to Students
4140 Corporal Punishment
4160 Drug Free Schools
7230, 7230-R Acceptable Use, The CCPS-NET

[VSBA: JFC, JFC-R, JFCD, JFCE, JFCH, JGD/JGE, JGD/JGE-R, JGDA, JGDB]