

Bedford County Public Schools

CODE OF STUDENT CONDUCT



2023-2024

Bedford County Public Schools School Board

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TABLE OF CONTENTS

<u>Introduction/Rationale</u>	4
<u>Roles and Responsibilities</u>	6
<u>Student and Parent Rights</u>	11
<u>Preventative and Positive Approaches to Discipline</u>	19
<u>Student Behavior Categories</u>	20
<u>Standards of Student Conduct</u>	22
<u>Levels of Consequences</u>	22
<u>Policies for Student Removal</u> (Suspension, Expulsion, Other Circumstances)	24
<u>Behavior Descriptors and Responses</u>	30
<u>Transportation Related Behavior</u>	35
Specific Areas of Emphasis	
<u>Attendance</u>	41
<u>Technology Use Guidelines for Students</u>	44
<u>Bullying</u>	51
<u>Dress Code</u>	55
<u>Drugs in Schools</u>	55
<u>Lost, Broken, Destroyed, or Unreturned School Property</u>	56
<u>Sex Offender Registry</u>	56
<u>Weapons</u>	57
<u>Definitions</u>	58
<u>Appendix A: Related Policy and Code Issues</u>	65
<u>Appendix B: Discipline of Students with Disabilities</u>	71
<u>Appendix C: Gun Free School Requirements</u>	84
Signature Pages	
<u>Technology Use Guidelines for Students</u>	86
<u>Anti-Bullying Pledge</u>	87
<u>Acknowledgement of Receipt and Review of Code of Student Conduct</u>	88

The Bedford County School Board has adopted the *Code of Student Conduct*, which defines the basic rules and expectations of students in the public schools of Bedford County and outlines procedures for fostering positive student behavior. Families are asked to review all information in the *Code of Student Conduct* carefully and discuss this information including supports available and the consequences of violating the rules with their children. Virginia Code Section 22.1-279.3 requires that parents or guardians acknowledge receipt of these materials. Families can complete the acknowledgment form for the 2023-2024 *Code of Student Conduct* found in the back of this booklet or acknowledge receipt of the materials through PowerSchool Registration. In addition, two other acknowledgement forms, the Technology Use Agreement and the Bedford County Public Schools (BCPS) Anti-Bullying Pledge, are also found in the back of this document and online through PowerSchool Registration. For additional information, all School Board policies are available online at <https://www.bedford.k12.va.us/>. Working together, we hope that your child experiences a successful and fulfilling school year.

Please note that provisions included in this *Code of Student Conduct* are subject to change due to changes in state law, division policy, or other reasons. In that event, the new or revised policy will be put on the school system's website and will supersede any conflicting provision in this handbook.

For many students, the expectations for behavior in school may differ from the expectations at home or in the community. Students cannot be expected to automatically understand appropriate behavior; therefore, adults in the school are responsible for teaching and providing feedback to reinforce appropriate behavior and correct inappropriate behavior. Effective implementation of any code of conduct requires provisions that appropriate behaviors be taught, practiced across settings with feedback, reinforced, and taught again as indicated by the data. Research has shown that frequent out of school suspensions, zero-tolerance policies, and “get-tough” approaches to school safety are ineffective and increase the risk for negative social and academic outcomes, especially for children from historically disadvantaged groups. For these reasons, this document:

- Focuses on prevention;
- Recognizes the need for instructional interventions and behavioral supports when students do not meet behavioral expectations; and
- Defines equitable approaches to school discipline.

Approaching school discipline from an instructional prevention-based standpoint contributes to a positive school environment and ensures equity, fairness, and continuous improvement. Applying an instructional, prevention-based perspective to student behavior is fundamental in a multi-tiered system of support. BCPS uses a data-driven decision making framework for establishing the academic, behavioral, and social and emotional supports needed for a school to be an effective learning environment for all students.

These priorities are particularly important with the BCPS implementation of a program to assign digital devices to students in grades K-12. BCPS identifies technology device ownership as an integral part of instruction. We provide an instructional environment enhanced with technology and intend to teach positive digital citizenship at all times. When deviations from acceptable device use occur, consequences will follow; however, technology removal may not be the first resort to inappropriate behaviors.

The **BCPS Strategic Framework** outlines the priorities of our school district:

Vision

Building Citizens, Promoting Success

Core Values:

ENERGIZE the learning process by creating safe and dynamic environments.

Act with **INTEGRITY**.

Focus on **STUDENTS**.

CHALLENGE students to reach personal goals every day.

COLLABORATE with staff, families, and the community to support learning.

Mission

Bedford County Public Schools will provide equal opportunities to enable all students to think critically, collaborate, create, communicate, and become productive citizens.

Goals

- Bedford County Public Schools will maintain high academic expectations and support all students in attaining foundational knowledge, transferable skills, and post-graduation plans.
- Bedford County Public Schools will provide safe and supportive learning environments, both physically and emotionally, which enable all students to think critically, collaborate, create, communicate, and become productive citizens.
- Bedford County Public Schools will create an exemplary workforce by recruiting, supporting, compensating, and retaining high quality employees.
- Bedford County Public Schools will develop mutually supportive partnerships with families and community organizations to enhance student well-being and broaden opportunities for workforce development.

Purpose for the *Code of Student Conduct*

To reach the targets outlined in the BCPS Strategic Plan and considering state law and research in the field, this *Code of Student Conduct* is an attempt to:

1. Promote a vision for improving conditions for learning so that all students experience a safe, supportive school environment that allows them to acquire the attributes outlined in the Virginia Board of Education's Profile of a Graduate.
2. Clearly articulate expectations for student behavior to enhance school safety and create equitable, supportive school environments.
3. Focus on prevention and provide a leveled system of responses to discipline incidents that uses instructional, restorative, and age-appropriate responses before resorting to exclusionary practices while respecting the social and emotional development of children at elementary, middle, and high school.
4. Provide that all students who are removed from the classroom for disciplinary reasons are able to access services for a quality education and behavioral interventions needed to ensure their successful return to the setting from which they were removed.
5. Encourage partnerships with students and their families; behavioral health, child welfare, and juvenile justice professionals; law enforcement agencies; and other community members to assess and improve the school climate and conditions for learning.
6. Foster respectful, trusting, and caring relationships throughout the school community.
7. Assist students in becoming responsible, productive, and self-disciplined citizens.

School Community Member Roles and Responsibilities

BCPS school board policies clearly define the roles and responsibilities of the school board, the superintendent, principals, teachers, and other school personnel for implementation of student conduct standards to create a safe, supportive, effective school environment. Student roles, rights, and responsibilities are also included as well as the roles, rights, and responsibilities of parents in regard to the standards of student conduct and compulsory school attendance. Student and parent rights and responsibilities are outlined later in this document.

In addition, BCPS policies reflect the roles that other community partners might serve in regard to student conduct and achievement. Community partners include law enforcement, social services, community service boards, mental health providers, and others.

The roles of each member of the school community in promoting positive student behavior are summarized below.

The Principal works with parents, community members, students and staff to establish and maintain a positive school climate that reflects the BCPS mission, vision, and goals. As leader of a team of essential stakeholders, the principal ensures that the school division's code of conduct is enforced and seeks to maintain a safe and secure school environment. If needed, the principal reports certain required student conduct violations to law enforcement. In working with law enforcement, including School Resource Officers (SRO), the following guidelines are followed:

1. Principals are responsible for managing student conduct on school premises, on the school bus, and at school sponsored events in accordance with local board policy;
2. Principals are responsible for establishing and implementing a clear, consistent, restorative process consistent with local board policy for removing students from an instructional setting at a teacher's request and for returning the student to the instructional setting;

3. Law enforcement officers should not become involved in instances of student misconduct except at the request of the school principal unless there is imminent danger to students, staff, or community members;
4. Reports to law enforcement do not necessitate the filing of delinquency charges;
5. Law enforcement officers and school administrators should work together to implement systems of support to address juvenile delinquent behavior when possible; and
6. In instances where the law enforcement determines that charges should be filed, law enforcement is required to notify the school principal that charges have been filed.

Families are partners in creating a positive school climate. Families are encouraged to be involved in developing policies and practices to improve conditions for learning. Guardians have a right to be informed and participate in decisions affecting their individual child and to access grievance procedures, which are addressed in the Student and Parent Rights section of this document. Section 22.1-279.3 of *The Code of Virginia* sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance. Parents/guardians are required to sign and return a statement (electronic preferred) acknowledging the receipt of the school board's standards of student conduct, use of directory information, family life education participation, and acceptable technology use. Parents are also required to notify the school upon registration of a student, information concerning criminal convictions or delinquency adjudications for any offense listed in subsection G of § 16.1-260. Positive communication between families and educators is important, especially regarding topics such as bullying, student progress, attendance, school calendars, technology use, student assistance programs, and prevention and intervention programs.

The Professional Teaching Staff is responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy. Teachers are responsible for establishing and maintaining a safe, supportive environment that is developmentally and culturally appropriate and promotes student academic, behavior, and social-emotional development. Developing positive relationships with students that are built on mutual trust and respect has been shown to demonstrate some of the highest positive effects on student achievement and behavior. Developing relationships requires specific skills of the teacher such as the skills of listening, empathy, caring and having a positive regard for others. Because there is a correlational link among student behaviors, positive school climate, and academic achievement, BCPS outlines the following teachers' responsibilities:

- Develop positive relationships with learners;
- Develop a safe and positive physical environment;
- Teach (and re-teach when necessary) behavioral expectations;
- Reinforce positive behavior;
- Provide instructional feedback on behaviors;
- Utilize the school's tiered framework of interventions and supports for students who are not meeting behavioral expectations;
- Recognize personal stress, reactions that may escalate negative student behavior, and personal bias; and
- Use individual and classroom data to progress monitor student behavior and the teacher's responses to behavior.

If a student is not meeting the behavioral expectations and the teacher has implemented classroom or school-based interventions as outlined in school procedures, the teacher may request that a student be removed from a class, according to [BCPS Policy JFCA](#) .

Specialized Instructional Support Personnel include those members of the staff who have direct responsibilities for providing for the physical, mental, and social-emotional health of students. They include school counselors, school psychologists, youth and family specialists, intervention design specialists, school nurses and others who work in the school to provide for the health and development of students. Each of these professionals has a direct role in promoting and supporting a positive school climate that focuses on prevention, intervention, and support to assist students in meeting the expectations of the student code of conduct. These professionals also work collaboratively with other school staff as a school Mental Health Support Team (MHST). The MHST has an active role in assessing student needs and planning for resources that promote a positive and supportive school climate while also planning for individual student cases. These professionals provide staff consultation, family or agency engagement and behavioral instruction to the student that can reduce the need for exclusionary practices.

School Counselors

School counseling programs support the Virginia Standards of Learning by providing guidance to students in their academic, career, and personal and social development. School counselors collaborate with parents, teachers, administrators, and others to promote learning and to help students establish and achieve their education, career, and personal goals. School counselors provide leadership to ensure that students benefit from effective strategies and services aligned with The Standards for School Counseling Programs in Virginia Public Schools. The standards are organized by grade level under the following goals:

- Academic Development – Students will acquire the academic preparation essential to choose from a variety of educational, training, and employment options upon completion of secondary school.
- Career Development – Students will investigate the world of work in order to make informed career decisions.
- Social-Emotional – Students will acquire an understanding of, and respect for, self and others, and the skills to be responsible citizens.

School counseling is provided through whole-group instruction to classrooms or through individual or small group counseling which focuses on the specific concerns of the participant.

Youth and Family Specialists/School Social Workers have special expertise in understanding family and community systems and linking students and their families with the community services that are essential for promoting student success. They work to remedy barriers to learning created due to inadequate resources and to promote increased engagement with families. Youth and family Specialists assist the school in providing support to students at-risk for school challenges due to truancy. Youth and Family Specialists also assist in interagency coordination for homelessness, foster child placements, treatment programs and students medically confined to home.

School Psychologists have specialized training that enables them to understand and work with students in relation to their academic progress, behavior, social-emotional development, and relationships. School psychologists specialize in analyzing complex student and school problems and selecting and implementing appropriate evidence-based interventions to improve outcomes at home and school. The School Psychologist is an important member of the school team that addresses student progress. They may consult with teachers and parents to coordinate services and supports for students' academic, social, and behavioral needs. They are critical members of the student support teams and the crisis intervention teams. Their training in conducting risk and

threat assessments and in evaluation, data collection, and interpretation of psychological data can facilitate identifying and implementing the supports that students may need to ensure their success.

School Nurses provide emergency care assessments and supportive care, coordinate the management of acute and chronic health conditions, assist with health-related referrals, and assist families in gaining primary care, preventive services. School nurses also support student wellness through communicable disease control measures, counseling for health promotion, and identification and management of health-related barriers to student learning.

Intervention Design Specialists (IDS) are also engaged in direct student support and assist the Mental Health Support Team in maintaining a positive school climate. IDS staff may work directly in the classroom to support a specific student in developing new coping strategies while also supporting the classmates and the classroom teacher in using response strategies that foster more adaptive behaviors. These intensive interventions are generally short-term (8-12 weeks) and include routine team meetings to ensure consistent goals. In the secondary settings, IDS staff work to provide flexible and therapeutic work spaces for students who may need intermittent breaks, alternative learning environments or engagement with alternative course work. These settings are designed to provide a secure base for students and may also serve to help students learn alternative behaviors in response to or as prevention of out of school suspension experiences. IDS staff collaborate with secondary teachers and administrators to develop learning plans for students experiencing academic and behavioral difficulty or are experiencing significant credit deficiencies due to mental health needs.

Principals work with all members of the staff in establishing and supporting positive behavioral expectations, interventions, and supports. Every school employee is responsible for ensuring a safe, supportive, effective learning environment. Involving them, training them, and ensuring their commitment to student success is essential.

Law Enforcement Agencies/Personnel

A School Resource Officer (*SRO*) is defined in § 9.1-101 of the *Code of Virginia* as “a certified law enforcement officer hired by the local law enforcement agency to provide law enforcement and security services to Virginia public elementary and secondary schools.”

SROs who are assigned to BCPS schools operate under a Memorandum of Understanding (MOU) that outlines the roles and responsibilities of the Bedford County Sheriff’s Office, the school district, and personnel from both. The MOU outlines that:

1. Law enforcement officers are not school disciplinarians.
2. The officer’s presence does not reduce the responsibility of teachers and of administrators to enforce school rules and the school division’s student code of conduct.
3. Classroom management rests with the teacher.
4. Disciplinary responses remain the responsibility of school administrators.
5. The focus of law enforcement involvement in conduct matters is properly centered on incidents that involve a violation of law.

Additionally, issues that do not present real and immediate threat of serious physical injury to a student, teacher, or other member of the school community, or are not a violation of the law, are handled by school personnel and not by SROs, police, other law enforcement, or security officers.

School personnel, in partnership with law enforcement and community diversion organizations, develop positive behavioral interventions and supports to address adolescent behaviors that do not pose a serious or immediate threat to safety, including:

- Disorderly conduct;
- Trespassing;
- Loitering;
- Profanity;
- Insubordination/defiance;
- Verbal abuse and/or harassment;
- Vandalism and/or graffiti;
- Failure to wear or correctly follow policies regarding clothing;
- Possession of a prohibited item that does not violate the penal law (i.e., cell phones);
- Being late, cutting class, absenteeism, or truancy;
- Fighting that does not involve a weapon or injury;
- Perceived drunkenness or intoxication;
- Possession of a tool that could be taken to be, but is not intended as a weapon, such as a nail clipper or file, small pen knife, butter knife, toy gun, or pepper spray, unless that item is being brandished as a weapon; and
- Promoting or claiming of a neighborhood 123 or crew (including verbally, through graffiti, through clothing, or hand signs).

Well-trained SROs protect the community and the campus while supporting schools' educational mission. An SRO may serve in the following roles:

- Law enforcement officer who responds to requests for assistance from administrators and coordinates the response of other law enforcement resources to the school;
- Expert on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures;
- Community police officer who builds positive relationships with students, staff, and parents; and
- Participant on the school's policy making teams when it comes to environmental safety planning and facilities management, school safety policy, and emergency response preparedness. They can participate in conducting safety assessments of the campus, in developing and implementing school safety plans and crisis plans, and in conducting threat assessments.

In addition, § 22.1-279.3:1.B of the *Code of Virginia* requires law enforcement agencies to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult or a violation of the *Drug Control Act*, or an adult misdemeanor as listed in § 22.1-279.3:1.A and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. It further requires that any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection § 16.1-260 to report the information to the principal of the school in which the juvenile is enrolled. Requirements for law enforcement agencies to report the release status of the student and for school superintendents to inform principals were added by the 2006 General Assembly.

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

Role of the Community

BCPS staff work to develop collaborative partnerships within the community to meet the needs of students. Development of partnerships with mental health agencies, juvenile justice, and social service agencies as well as businesses and nonprofit organizations are critical to establishing a network of services and supports that ensure success for all students and create safe, supportive learning environments.

STUDENT AND PARENT RIGHTS

School Attendance

All children and youth have the right to a free public education from age 5 to 20 (up to age 22 if IDEA-eligible), and to attend the public school where they are a bona fide resident. In Virginia, the law also requires children to attend school from kindergarten through their 18th birthday, unless the student reaches completion before age 18 or falls into one of a few limited exemptions, such as home-schooling, certified health or safety concerns, and conscientious religious objection.

[BCPS Policy JEA](#) encourages regular attendance and addresses underlying causes of chronic absence and truancy to avoid punishment or criminalization of students. Virginia law also makes clear that in no case may students be suspended solely for instances of truancy.

Students experiencing homelessness, students in the foster care system, immigrant, and non-English speaking students also have rights and protections under federal and state law with regard to school enrollment. School staff can be contacted to explain these rights and protections.

Schools are to record any student who is suspended or expelled from their regular school for discipline incidents as absent unless the student is physically present at an alternative education program approved by the school board. Schools are to report the suspension or expulsion of a student from the student's regular school in the discipline data collection even though the student is attending an alternative program.

School Discipline

All students have a right to adequate and meaningful due process prior to being excluded from school for disciplinary purposes. Students have the right to be informed of any suspension, given specific reasons for the suspension, and offered the opportunity to tell their side of the story before being suspended.

Short-term suspensions: Students and families have the right to receive in writing a description of the incident, the date the student may return to school, and notice of their right to appeal. This letter must also be sent to the school superintendent/designee. Upon written request by the student or parent/guardian, the superintendent/designee will review the suspension. If no alternative education program is provided, schools will make academic assignments available to students during a short-term suspension.

Long-term suspensions: Students and families have the right to written notice from the Superintendent/designee about the conditions of a long-term suspension and their relevant due process rights. The student has a right to the following:

- A hearing in front of the Superintendent or their designee;
- An appeal of an unfavorable decision to the School Board;
- Consideration of a variety of factors aside from the offense itself, among them: age and grade level; the student's academic and behavioral history; the availability of alternatives; mental health, substance abuse, or special education assessments; and any other relevant matters; and
- Upon appeal to the School Board, a written decision within 30 days.

BCPS provides an academically appropriate alternative education program that permits students serving a long-term suspension to maintain sufficient progress in the curriculum and allow a smooth transition back into the student's school once the suspension term concludes. BCPS often provides opportunities for earlier re-admittance based on student progress.

Expulsion: Students have the same due process rights to hearings and appeals as with long-term suspension, except that no expulsion is effective until approved by the School Board.

Students have the right to apply for re-admittance to school from an expulsion. Students also have the right to appeal a denial of re-admittance from an expulsion to the School Board.

Use of Seclusion and Restraint

The *Administrative Code of Virginia* [8VAC20-671-650](#) prohibits the use of seclusion and restraint as a form of discipline. The use of seclusion and/or restraint as a means of managing student behavior in emergencies to ensure safety is governed by [8VAC20-671-660](#) and [BCPS Policy JM](#).

School Policing

In order to meet the developmental needs of young people, schools shall be safe and supportive places to learn where teachers and students have training and support to prevent and resolve conflicts in positive ways. The role of law enforcement in schools should be limited to matters that involve serious criminal law matters and/or a real and immediate threat of safety to students, teachers, or other members of the school community. School Resource Officers (SROs) and other law enforcement officers in schools should not be responsible for school discipline issues.

Questioning Students

The issue of questioning students is an extremely sensitive matter, which brings to the surface a number of important factors. In all circumstances, the process of questioning a student begins with considering the nature of the offense, whether it rises to the level of criminal activity, and the age/development of the student.

Questioning by school officials

School officials have a direct responsibility for student behavior as well as school safety and security. That responsibility allows school officials the latitude to question students in an effort to maintain order.

Questioning by school officials and law enforcement

Questioning students in the presence of a law enforcement officer greatly enhances the need to ensure that the student has all of the protections afforded them under the law. BCPS [Policy KNAJ](#) indicates when parents should be contacted if law enforcement is involved. Law enforcement officers should not be involved in questioning students as a part of routine school operations when no evidence suggests a crime has been committed. School administrators should consider the following questions:

- Is the student able to understand his/her rights based on the student's age and development given the situation?
- Has a crime been committed?
- Is the student a suspect in the alleged crime?
- Is the student free to leave the interview?

A student who is being questioned in the presence of law enforcement about involvement in a criminal offense should be afforded the same rights as any suspect being interrogated for criminal involvement.

The school is a custodial setting and students are not free to leave without permission. This fact enhances the need for students to be advised and aware of their rights prior to and during an interrogation by law enforcement. This will include support from school personnel to ensure that the student fully understands the process and that they are aware of the magnitude of the situation. Students, whom school officials determine are not able to understand their rights under the law, should not be questioned by law enforcement without parental involvement.

Drug Testing

The VDOE drug-testing guidelines ([§ 22.1-279.6](#)) state that school boards may require any student who has been found in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

Freedom from Corporal Punishment

No teacher, principal, or other person employed by the School Board shall subject a student to corporal punishment.

For the purposes of this section, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity. In addition, this definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact, or other actions designed to maintain order and control or the use of reasonable and necessary force as permitted by section [§22.1-279.1](#) of the Code of Virginia, 1950, as amended.

Freedom of Expression – BCPS Policies [IB](#) and [JED](#)

The School Board seeks to educate young people in the democratic tradition, to foster recognition of individual freedom and social responsibility, and to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Freedom of individual conscience, association, and expression will be encouraged and fairness in procedures will be observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate examples the basic objectives of a democratic society as set forth in the Constitutions of the United States and the Commonwealth of Virginia.

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Such home and classroom work shall be evaluated by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school.

The superintendent's regulations will include procedures for excusing students who are absent by reason of observance of a religious holiday. Such regulations will ensure that a student is not deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which he missed by reason of such absence, if the absence is verified in an acceptable manner.

Daily Observance of One Minute of Silence- BCPS Policy [IE](#) and Code of Virginia [§22.1-203](#)

In order that the right of every pupil to the free exercise of religion be guaranteed within the schools and that the freedom of each individual pupil be subject to the least possible pressure from the Commonwealth either to engage in, or to refrain from, religious observation on school grounds, the school board of each school division shall establish the daily observance of one minute of silence in each classroom of the division.

During such one-minute period of silence, the teacher responsible for each classroom shall take care that all pupils remain seated and silent and make no distracting display to the end that each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice.

Student Right to Participate in Patriotic Exercises- BCPS Policy [IEA](#) and Code of Virginia, [§22.1-202](#)

Each School Board shall require the daily recitation of the Pledge of Allegiance in each classroom of the school division and shall ensure that the flag of the United States is in place in each such classroom. The Pledge of Allegiance shall be said in the morning. During the recitation of the Pledge, students shall stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform.

No student shall be compelled to recite the Pledge if he/she, his/her parent or legal guardian objects on religious, philosophical, or other grounds to his participating in this exercise. Students who are exempt from reciting the pledge shall quietly stand or sit at their desks while others recite the Pledge and shall make no display that disrupts or distracts from those who are reciting the Pledge.

Appropriate accommodations shall be made for students who are unable to comply with the procedures described herein due to disability. The School Board's code of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of such behavior.

Student Right to Freedom from Unreasonable Search and Seizure of Property- BCPS Policy [JFG](#)

BCPS Policy JFG outlines procedures for the search of a student's person or personal property. The policy is an attempt to ensure school safety while respecting students' rights to privacy. The legal

definition of 'reasonable suspicion' provides the conditions under which a student may be subjected to a search.

Reasonable suspicion is satisfied when two conditions exist: (1) the search is justified at its inception, meaning that there are reasonable grounds for suspecting that the search will reveal evidence that the student has violated or is violating the law or school rules, and (2) the search is reasonably related in scope to the circumstances that justified the search, meaning that the measures used to conduct the search are reasonably related to the objectives of the search and that the search is not excessively intrusive in light of the student's age and sex and the nature of the offense.¹

The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. To maintain order and discipline in the schools and to protect the health, safety, and welfare of students and school personnel, school administrators may search a student, student lockers and other storage facilities, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property, but may be conducted wherever the student is involved in a school-sponsored function.

Any search must be reasonable in scope, duration, and intensity in relation to the item being sought.

Personal Searches: School administrators have the right to search any student's person and/or personal effects (e.g., purse, book bag, etc.) when there are reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

Students may be scanned with a metal detector.

¹ Ehlenberger, Kate R., The Right to Search Students. *Educational Leadership*. December 2001/January 2002 | Volume 59 | Number 4. Understanding the Law Pages 31-35

A pat down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present.

Strip searches involve an extreme intrusion into the rights of a student and may only be conducted when an extremely serious situation exists requiring immediate action because of an imminent threat of death or great bodily injury to a person or persons. If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or superintendent's designee, unless the health or safety of the student is endangered by the delay.

Locker Searches: Student desks, lockers and other storage facilities are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant.

Automobile Searches: Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school administrator has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant.

Computer Searches: The school computer system, as defined in Policy [GAB/IIBEA](#) Acceptable Computer System Use, is school property. Students are only authorized to use the school's computer system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy [GAB/IIBEA](#): Acceptable Computer System Use. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

Consent Searches: If a student gives a school administrator consent for a search, the school administrator does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of consent. Students should be told of their right to refuse to be searched, and students must not perceive that they are at risk of punishment for refusing to grant permission for the search.

Seizure of Illegal Materials: If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

Searches by Law Enforcement

Law enforcement must meet the standard of probable cause to search a student, including the student's outer clothing, possessions, or locker, Probable cause to search exists when "known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that contraband . . . will be found" (Ornelas v. United States, 1996, at 696).² When law enforcement conducts the search of a student, school officials should document the date, time, persons present, probable cause for the search and the outcome of the search.

Due Process Rights for Students with Disabilities

Students with disabilities are entitled to all the same due process protections as students who do not have disabilities, plus additional protections under federal (IDEA, ADA) and state law. Appendix B provides detailed requirements for disciplining students with disabilities. In brief,

- Short-term suspensions: A short-term suspension is not considered a "change in placement" for special education purposes, but educational services should also be provided during the first ten days of removal if services are provided to a student without disabilities in the same circumstances.
- Even so, a series of short-term suspensions that form a pattern of behavior can be considered a change in placement.
- In most cases, students with disabilities cannot be suspended for more than ten school days for conduct that is caused by the disability.
- Students with disabilities who are long-term suspended or expelled are entitled to an expedited decision from a due process hearing challenging the disciplinary action.

BCPS policy specifies that suspension and/or expulsions of students with disabilities will be in compliance with state regulations and federal law. Reference may be made to [Regulations Governing Special Education Programs for Children with Disabilities](#) (2010). Additional information on students with disabilities is included in Appendix B.

Parents' Rights

In order to create welcoming environments for all parents and caregivers and provide opportunities for parental and community involvement, BCPS school staff strive to:

- Ensure all students and families know and understand school norms, expectations, rules, and processes.
- Ensure all students and families receive copies of the school code of conduct within one calendar month of the beginning of school (or, for students who transfer in or register late, at the time of registration).
- Hold meetings as needed with students and families to discuss positive school climate and behavioral expectations.
- Protect and adhere to due process rights, including those related to attendance, school discipline, school policing, restraint and seclusion, and special education.
- Assure timely notice to parents—as required and otherwise—of academic or behavioral challenges in order to work with parents, guardians, and others to identify positive solutions and supports.
- Accommodate—as required and otherwise—family schedules and availability to ensure family involvement in decision-making.

² Ehlenberger, Kate R.

- Provide parents with timely information regarding the process for appealing discipline decisions and allowing for situations that may affect their ability to respond to school division timelines.

Parents also have an affirmative duty to collaborate with schools in implementing conduct codes and assuring student attendance. It is best to build strong parent-school relationships before any specific academic, behavioral, or attendance-related issues arise.

PREVENTATIVE AND POSITIVE APPROACHES TO DISCIPLINE

Tiered Systems of Support

Preventive and positive approaches to discipline create safe, supportive, and positive schools where adults respond to misbehavior with interventions and consequences aimed at understanding and addressing the causes of misbehavior, resolving conflicts, meeting students' needs and keeping students in school and learning.

BCPS uses a data-driven decision making framework for establishing the academic, behavioral, and social and emotional supports needed for a school to be an effective learning environment for all students. BCPS staff members strive to understand the role of context, environment, and instruction as it applies to the development and improvement of academic, behavior, and social-emotional wellness skills. It is the BCPS goal to develop a range of evidence-based, instructional interventions that are implemented systematically based on students' varying needs. The interventions are an array of high quality, evidence based practices that are layered and implemented according to increasing levels of intensity or tiers.

Clear Objective Behavioral Expectations

Using a process for collecting and analyzing academic, behavior, attendance, and other available data, BCPS develops practices and allocates resources for a defined set of instructional and prevention based practices that define, teach, and reinforce clear, objective behavioral expectations. Such practices ensure equity, as defined in policy, and consistency across schools within the division.

BCPS supports schools' use of data to clearly define a set of positively stated, schoolwide (and aligned classroom), social-emotional and behavioral expectations. These expectations define how staff and students learn, work, and interact in order to establish the positive school climate outlined in school vision and mission statements and/or strategic planning documents. They are, in essence, the curriculum for developing a positive community. As such, this curriculum should be taught, reinforced, prompted, re-taught, and have a continuum of procedures for instructional behavior correction as would be available for the academic curriculum. Parent, student, and community involvement in the development of expectations is critical and expected.

Social-Emotional Learning (SEL)

Social-emotional learning has been attributed to positive attitudes about school and to significant improvement in academic achievement. Learning social-emotional skills is vital to student development and is directly related to Virginia's Profile of a Graduate, which expects students to demonstrate the "Five C's:" critical thinking, creative thinking, communication, collaboration, and citizenship. A Virginia high school graduate should be able to:

1. Achieve and apply appropriate academic and technical knowledge;
2. Attain and demonstrate productive workplace skills, qualities and behaviors;
3. Build connections and value for interactions with diverse communities; and
4. Align knowledge, skill, and personal interests with career opportunities.

In order to achieve the goals of Virginia's Profile of a Graduate, students need to develop the following social-emotional competencies:

1. Self-awareness,

2. Self-management,
3. Social awareness,
4. Relationship skills, and
5. Responsible decision-making.

Student Behavior Categories

The following behavior categories are designed to recognize the impact student behavior has on the school environment and on learning. They encourage awareness for administrators, teachers, parents, and counselors of students' social-emotional development and emphasize the importance of helping students achieve academically and develop SEL competencies.

- A. **Behaviors that Impede Academic Progress (BAP):** These behaviors impede academic progress of the student or of students. They are typically indicative of the student's lack of self-management or self-awareness. Sometimes, the student may need help in understanding how the behavior impacts others so training in social awareness may also be indicated.
- B. **Behaviors Related to School Operations (BSO):** These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills.
- C. **Relationship Behaviors (RB):** These behaviors create a negative relationship between two or more people that does not result in physical harm. Relationship behaviors affect the whole school community in that the school climate is often a reflection of how people treat one another. Students who exhibit difficulty with relationship behaviors may also have difficulty with the other social-emotional competencies.
- D. **Behaviors that Present a Safety Concern (BSC):** These behaviors create unsafe conditions for students, staff, and visitors to the school. The underlying reasons for this type of behavior may lie in any of the social-emotional competencies so the administrator should investigate the underlying motivation for the student's behavior. Training in social awareness and decision-making are usually indicated in any behavior that creates a safety concern.
- E. **Behaviors that Endanger Self or Others (BESO):** These behaviors endanger the health, safety, or welfare of either the student or others in the school community. Behaviors that rise to this level of severity are often complex. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.
- F. **Behaviors that are Persistently Dangerous (PD):** These behaviors are used in calculations to identify a school as persistently dangerous as required for each state receiving funds under the federal No Child Left Behind Act of 2001 to establish and implement a statewide policy requiring that a student attending a persistently dangerous school be allowed to attend a safe school. The Virginia Board of Education's "Unsafe School Choice Option" policy was adopted in May 2002. While they are used as measures for determining persistently dangerous public schools, these behaviors are also indicators that the student is in need of interventions and supports.

The categories are a means to sorting behaviors in order to apply leveled administrative responses to student behaviors. The *Standards of Student Conduct* section provides examples of how the behavior categories work with leveled administrative responses.

Leveled Systems of Disciplinary Responses and Instructional Interventions

When students do not meet behavioral expectations, they receive supports to address the root causes of the behavior and learn appropriate alternatives. When a specific student behavior does not change following an intervention—or the behavior increases in frequency, intensity, or duration—a problem solving approach identifies alternative interventions and responses. All stages of a system of intervention include opportunities for learning acceptable replacement behaviors within the school and community and access to interventions to address the underlying causes of behavior.

Delivering disciplinary responses to unwanted behaviors is often a needed but never a sufficient strategy for reducing inappropriate behavior. Therefore, leveled systems of disciplinary responses are always only one part of more comprehensive policy around behavior that includes instructional, preventive, and proactive strategies as described earlier in this document. The delivery of disciplinary responses serves four key functions:

- preventing a negative behavior from being rewarded;
- preventing a problem behavior from escalating;
- preventing a problem behavior from significantly interrupting instruction; and
- preventing physical and/or social-emotional harm to others.

Equitable Processes for Managing Student Behavior

BCPS promotes the use of positive, proactive, preventive, evidenced-based approaches to respond to student behavioral incidents that include appropriate teacher responses. As with academic error correction and feedback, responses to student behavior are anchored in an instructional approach that emphasizes teaching and the modeling of desired behaviors in a supportive classroom environment. A combination of teacher and administrative responses is used with the goal of preventing misbehavior from occurring, encouraging positive student behavior, developing social-emotional skills, and maximizing academic instructional time.

Principals and leadership teams engage staff in data informed decision-making that identifies student behaviors that are teacher managed versus those that are administrator managed. Such decisions are then documented in writing and include an explanation of the processes and procedures for addressing student behavior. Effective evidence based responses within the classroom-managed and administrator-managed categories are disseminated, taught, and reinforced to the entire school community. Uniform definitions and decision rules applied consistently are essential to ensuring equitable application of disciplinary actions across teachers, grades, and school buildings within a division.

Teacher Responses to Manage Student Behaviors

Prior to administrative involvement in student behavior issues, teachers support students in acquiring the behaviors expected in the school environment. Teachers use proactive and instructional strategies to assist students in meeting behavioral expectations. Teachers have the authority to remove a student from a class for disruptive behavior in accordance with [§ 22.1-276.2](#) of the *Code of Virginia* and [BCPS Policy JFCA](#).

STANDARDS OF STUDENT CONDUCT

Application of Policy

BCPS Policy [JEC](#) governs student conduct. It is important to note that:

1. Standards of student conduct apply to all students under the jurisdiction of a school board.
2. Disciplinary action will be determined based on the facts of each incident in the reasonable discretion of the school board and other appropriate school officials.
3. Disciplinary responses to student behavior will be aligned with the levels established by the school board.
4. Students are subject to disciplinary action for misconduct that occurs:
 - On school property.
 - Traveling to school or from school.
 - Traveling to, at, and from bus stops.
 - In School Board vehicles.
 - In attendance at any school-sponsored activity.
 - Off school property if the conduct disrupts the learning environment.

Leveled Administrative Responses to Student Behavior

BCPS administrators and leadership teams engage in a data driven decision-making process to determine appropriate responses for behaviors at all levels. Consequent actions or punishment is addressed in combination with instruction and intervention. Instruction focuses on helping students develop social-emotional competencies needed to change the behavior.

BCPS administrators will investigate incidents of misbehavior thoroughly. Administrative responses are designed to address student behavior, reinforce school and classroom expectations for appropriate behavior, and prevent further behavioral issues. The following levels of administrator responses go hand-in-hand with tiered supports. The following lists of leveled administrative responses to student behavior are provided as examples of the practices of BCPS administrators. Collaboration and cooperation from family partners is essential when tiered supports are intended to prevent out of school removals. When any level of interventions and consequences is considered unsuccessful, the administrator may utilize consequences or interventions from additional levels.

Level 1 Responses: Level 1 responses are intended to prevent further behavioral issues while keeping the student in school. Examples of Level 1 responses include the following, although not all may be used for each incident:

- Re-teaching or modeling of desired behavior
- Recognize/Reward appropriate behavior
- Administrator/Student conference and/or Administrator/Student/Teacher conference
- Written reflection or letter of apology
- Peer mediation or conflict resolution
- Behavior progress chart
- Community service (appropriate to correct the behavior)
- Restitution
- Seat change
- Loss of school privileges
- Confiscation by the administration
- No contact directive

- Administrator/Teacher/Parent/Guardian conference
- Detention (before school, at lunch, after school)
- In-school suspension (Up to two days) with behavioral instruction and academic support

Level 2 Responses: Administrative responses and interventions at this level are designed to prevent further behavior issues and keep the student in school. Depending upon the severity of the behavior, short-term removal of the student from the classroom may be appropriate. Examples of Level 2 responses include the following, although not all may be used for each incident:

- Student conference
- Administrator/Teacher/Counselor/Student conference (includes re-teaching of expected behavior)
- Administrator/Teacher/Parent/Guardian conference
- Check-In/Check-Out
- Mediation or conflict resolution
- No contact directive
- Detention (before school, at lunch, after school)
- Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, and Problem Solving Team, Substance Use and Intervention Program)
- Referral to School Consultation Team or Individualized Education Plan (IEP) or Educational Planning team
- Schedule change
- Community service that is appropriate to correct the behavior
- Referral for community-based services
- Saturday school
- Restitution
- Confiscation
- Temporary loss of privileges (including device use if needed)
- In-school suspension that may include behavioral interventions and/or restorative practices (up to three days)

Level 3 Responses: Dependent upon the severity, chronic nature of the behavior and/or safety concerns, Level 3 behaviors may result in the student's short-term removal from school. Examples of Level 3 responses include the following, although not all may be used for each incident:

- Administrator/Teacher/Parent/Guardian Conference
- Detention
- In-school suspension which may include restorative practices (three to five days)
- Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, Problem Solving Team, Therapeutic Day Treatment (TDT), Substance Use and Intervention Program)
- Referral for community-based services
- Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) Development (Special Education Students)
- Functional Behavioral Assessment (FBA) and Behavior Support Plan (BSP) Development (General Education Students)
- Community service
- Revocation of privileges (including device use if needed)
- No contact directive
- Restitution

- Referral to alternative education programs
- Short-term out-of-school suspension (one-three days for elementary students/one-five days for secondary students) with restorative circle or conference upon return
- Alternative to Suspension Program Placement (one-three days for elementary students/one-five days for secondary students) that may include behavioral interventions and/or restorative practices
- Behavior contract (developed with and signed by the student, parent/guardian, and school officials)
- Referral to law enforcement where required

Level 4 Responses: Some Level 4 behaviors require a report to the superintendent or superintendent's designee as outlined in the *Code of Virginia* § [22.1-279.3:1](#) and/or BCPS policy. A referral to the superintendent or superintendent's designee does not automatically result in a long-term suspension, change of placement or expulsion. After a review of the incident in context, the superintendent or designee may return students to the comprehensive setting with additional supports and/or responses to be implemented. Examples of Level 4 responses include the following, although not all may be used for each incident:

- Threat Assessment as indicated by the behavior
- Referral to law enforcement as required
- Parent-Administrator-Teacher-Student behavior contract
- Long-term revocation of privileges
- Restitution via written contract
- Referral to alternative education programs
- Referral for community-based services
- Schedule change
- Short-term out-of-school suspension (for preschool to grade three students one to three days, four to ten days for fourth- to sixth-grade students, or five to ten days for seventh- to twelfth-grade students)
- Alternative to Suspension Program Placement (for preschool to grade three students one to three days, four to ten days for fourth- to sixth-grade students, or five to ten days for seventh- to twelfth-grade students) that may include behavioral interventions and/or restorative practices
- Recommendation for a long-term suspension as determined by BCPS policy or by *Code*.

Level 5 responses: Level 5 responses are reserved for those behaviors that require a referral to the superintendent or designee. For preschool to grade three students, any suspension beyond three days must be referred to the superintendent/designee. A referral to the superintendent or designee may not automatically result in an expulsion, alternative placement, school reassignment, or long-term suspension.

Required School-based Administrative Responses to Level 5 Behaviors:

- Threat Assessment as indicated by the behavior
- Referral to law enforcement as required
- Referral to Superintendent or designee

Examples of possible superintendent or designee responses to Level 5 behavior:

- Long term suspension ([11 to 45 days as defined by Va. Code §22.1-276.01](#))

- Alternative to Suspension Program Placement that may include behavioral interventions and/or restorative practices
- Alternative placement
- Expulsion
- School reassignment: Students may be assigned to another school within the division. Board policy should establish the procedures for assigning any student to another school. Those policies and procedures should ensure equity.
- Return the student to the school setting with appropriate supports and interventions.

When suspension or expulsion is necessary, [BCPS Policy JGD/JGE](#) is followed:

Short Term Suspensions: The principal or assistant principal may suspend a student in grades 4-12 out of school for ten days or less and a student in grades K-3 out of school for three days or less using the following procedures.

Informal Hearing: Except in an emergency situation requiring the student's immediate removal, no student shall be suspended from school prior to having an informal hearing before the assistant principal or principal. At such an informal hearing, the student shall be informed as to the charges and given an opportunity to respond. If the student denies the charges, the assistant principal or principal shall give the student an explanation of the evidence supporting the charges and an opportunity to explain his/her version of the facts. If appropriate, the assistant principal or principal may conduct a further investigation into the matter before taking action.

In emergency situations where a student's presence may pose a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, a student may be suspended from school immediately without the informal hearing set forth above. In such cases, the student shall be accorded the informal hearing as soon as practicable, but not later than three (3) school days after the immediate suspension.

Notice of Suspension: Once a decision to suspend is made, the assistant principal or principal shall observe the procedures listed below:

- The assistant principal or principal will attempt to notify the parent/guardian as soon as possible by telephone, and shall notify the parent/guardian and student in writing of the suspension and the reasons therefore. The written notice shall also state any conditions of the suspension, e.g., required parental conference, prohibition on coming onto school property, and the date that the student may return to school. Except in an emergency, a student is not to be dismissed during the school day without prior notice to the parent/guardian. A copy of the written notice of the suspension shall be transmitted by the assistant principal or principal to the Superintendent/designee within two (2) school days.
- The written notice shall also inform the parent/guardian that the suspension decision may be subject to review on the record and the directions for making such appeal.

Review: In cases when a student has been suspended by an assistant principal, upon written request of the parent/guardian, the principal shall conduct an initial review of the suspension, on

the record. The parent/guardian shall make such request within two (2) school days of notice of the suspension.

In cases when a student has been suspended by a principal or after the principal has conducted a review pursuant to the preceding paragraph, upon written request of the parent/guardian within three (3) school days of notice of the suspension, the Superintendent/designee shall conduct a review of the suspension on the record. The failure to request a review of the suspension in writing within the prescribed time will constitute a waiver of the right to a review of the short-term suspension. The suspension shall remain in place during the review process. The decision of the Superintendent/designee upon such review shall be final.

Procedures Governing Long-Term Suspensions: If a student is recommended for long-term suspension (over ten days in grades 4-12 and over 3 days for grades K-3), the following procedures shall be observed:

- The principal or assistant principal shall notify the student's parent/guardian and the student in writing of the recommendation for long-term suspension and the reasons therefore.
- A copy of the written notice of the recommendation for long-term suspension shall be transmitted to the Superintendent/designee within two (2) school days.
- The parent and the student have the right to a hearing before the Superintendent/designee regarding the long-term suspension recommendation. Should the parent or student desire such a hearing, they must so advise the Superintendent/designee in writing, within five (5) days after receipt of the long-term suspension recommendation notice. If no timely request for a hearing is made, the Superintendent/designee will act on the school administrator's recommendation without further notice to the parent/student and without a hearing. If a timely request is made, the parent and student will be notified of the date, time, and place of the hearing.
- The Superintendent/designee will conduct a hearing within ten (10) school days (3 days for grades K-3) of the recommendation, unless the student and his/her parent/guardian agree to an extension of time for conducting the hearing. The Superintendent shall adopt regulations setting forth the procedure for conducting long-term suspension hearings.
- The Superintendent/designee may uphold the recommendation or recommend various forms of other disciplinary action, including, but not limited to, disciplinary probation, community service work assignments, placement in alternative education programs, or referral to other public agencies.

Appeal of Long-Term Suspension: If the Superintendent/designee decides to long-term suspend the student, the principal, the student, and the student's parent/guardian shall be advised in writing of the decision and of the student's right to appeal the decision to the School Board, which appeal shall be decided upon the record. The appeal must be made in writing to the Superintendent/designee within five (5) school days from the date of the Superintendent/designee's decision or the right to appeal to the School Board will be waived. Upon

a timely appeal, the School Board will decide the appeal on the record within thirty (30) days of the appeal.

Procedures Governing Expulsion: If a student is recommended for expulsion, the following procedures shall be observed:

- The principal/assistant principal shall notify the student's parent/guardian and the student in writing of the recommendation for expulsion and the reasons therefor.
- A copy of the written notice of the recommendation for expulsion shall be transmitted to the Superintendent/designee within two (2) school days.
- The parent and the student have the right to a hearing before the Superintendent/designee regarding the expulsion recommendation. Should the parent or student desire such a hearing, they must so advise the Superintendent/designee in writing, within five (5) days after receipt of the expulsion recommendation notice. If no timely request for a hearing is made, the Superintendent/designee will act on the school administrator's recommendation without further notice to the parent/student and without a hearing. If a timely request is made, the parent and student will be notified of the date, time, and place of the hearing.
- Once the Superintendent/designee receives notification of a recommendation for expulsion, he/she shall conduct a hearing to determine whether to recommend expulsion to the Board. The Superintendent/designee may impose a lesser sanction. If the Superintendent/designee upholds the recommendation of expulsion, the student shall be suspended until the matter is decided by the School Board.
- Recommendations of expulsion shall be heard by the full School Board or a committee thereof. A student will only be expelled upon vote of the School Board or committee thereof. If the committee's decision is not unanimous, the student's parent/guardian may file a written appeal to the full school board within 5 calendar days of the committee's decision. Failure to file a written appeal within 5 calendar days will constitute a waiver of the right to an appeal. The school board shall consider and decide the appeal on the record 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 Chairman of the Board.

The procedure for the hearing before the School Board or the committee thereof shall be as follows:

- 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.
- The School Board may ask for opening statements from the principal or his representative and the student or his parent or their representatives and, at the discretion of the School Board, may allow closing arguments.
- The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he/she shall present evidence first. After the principal concludes his/her evidence, the student shall present evidence. Witnesses may be questioned by

the School Board members and by the parties or their representatives. The School Board may, in its discretion, vary this procedure, but it shall afford full opportunity to both parties the right of cross examination; provided, that the School Board may take testimony of student witnesses outside the presence of the student, his parent 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 other 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 a part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendation.
- The School Board shall transmit its decision to the student, the student's parent/guardian, the principal, and the Superintendent.
- A student who has been expelled from school by the School Board may file a written petition for readmission with the Superintendent/designee no less than 300 and no more than 320 days after the effective date of the expulsion. The School Board will consider and act upon such petition prior to the expiration of 365 days from the effective date of the expulsion. If the petition is denied, subsequent petitions for readmission may be filed a year later unless a different time period is set by the School Board when ruling on the initial petition for readmission.

Authority to exclude students under certain circumstances (as established in Code of Virginia [§ 22.1-277.2](#)):

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 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 by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth 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 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 division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition of the student so excluded or his parent, for a review of the record by the school board.

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 [§22.1-277.06](#). The excluding 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, the student may re-petition the school board for admission. If the petition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the school board for admission.

The school board may permit students excluded pursuant to this section to attend an alternative education program provided by the school board for the term of such exclusion.

Disciplinary Authority of the School Board and Superintendent under Certain Circumstances:

The School Board may, in accordance with the procedures set forth in the policy for long-term suspensions or expulsions require any student who has been (a) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (b) found guilty or not innocent of an offense relating to the Commonwealth'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 [§ 16.1-260.G](#); (c) found to have committed a serious offense or repeated offenses in violation of School Board policies; (d) suspended or expelled pursuant to School Board policies, to attend an alternative education program. The School Board may require such student to attend an alternative education program regardless of where the crime occurred. The Bedford County School Board may also require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

As used in this section, the terms "charged" means that a petition or warrant has been filed or is pending against a pupil, and "alternative education program" shall include, but shall not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

The division superintendent or designee is authorized to require students to attend an alternative education program consistent with the above provisions after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or designee regarding such alternative education placement shall be final unless altered by the School Board, upon timely written petition, established for appeals of long-term suspensions, by the student or his parent, for a review of the record by the School Board.

The principal or designee may impose a short-term suspension upon a student who has been charged with an offense involving intentional injury enumerated in subsection G of § 16.1-260, to another student in the same school pending a decision whether to require that such student attend an alternative education program.

Categories of Behavior Descriptors and Responses

The following chart brings together the Categories of Student Behavior Descriptors and the Levels of Administrative Responses to facilitate the equitable, responsive application of standards of student conduct. The third column indicates the Levels of Administrative Response for elementary schools and the fourth column indicates the Levels of Administrative Response for secondary schools. The fifth column indicates when a report to law enforcement is required.

Leveled Responses to Student Behaviors

SBAR Code	Category A: Behaviors that Impede the Academic Progress (BAP) of the student or of other students	Elementary Levels (1-5)	Secondary Levels (1-5)	Law Enf
BAP1	Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	1	1-2	
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	1	1-2	
BAP3	Scholastic dishonesty (cheating, plagiarism)	1	1-2	
BAP4	Unexcused tardiness to class	1	1-2	
BAP5	Unexcused tardiness to school	1	1-2	

SBAR Code	Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures	Elementary Levels	Secondary Levels	Law Enf
BS01	Altering an official document or record	1-2	1-2	
BS02	Giving false information to staff	1-2	1-3	
BS03	Refusal to comply with requests of staff in a way that interferes with the operation of school	1-3	1-3	
BS05	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	1-2	1-3	
BS06	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	1-3	1-3	
BS07	Dress Code Violation	1-2	1-2	
BS08	Gambling (games of chance for money or profit)	1-2	1-2	
BS09	Possessing items that are inappropriate for school (examples include toys, literature, electronics)	1-2	1-2	
BS010	Possession of stolen items	1-3	1-3	

BS011	Unauthorized use of school electronic or other equipment	1-2	1-2	
BS012	Violation of the Acceptable Use of Technology/internet policy	1-2	1-2	
BS013	Violation of school board policy regarding the possession or use of portable communication devices	1-2	1-3	
BS014	Vandalism, graffiti or other damage to school or personal property	1-3	1-3	
BS015	Student is not going to class as assigned	1	1	
BS016	Student is in an unauthorized area of campus (Not related to school or class attendance/nonattendance)	1-2	1-2	

SBAR Code	Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)	Elementary Levels	Secondary Levels	Law Enf
RB1	Bullying with no physical injury	1-3	1-3	
RB2	Cyberbullying	2-3	2-3	
RB3	Posting, distributing, displaying, or sharing material or literature that is libelous, including using electronic means to post such material	1-2	1-3	
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	1-3	1-3	
RB5	Stealing money or property without physical force	1-3	1-3	
RB6	Speaking to another in an uncivil, discourteous manner	1-2	1-2	
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	1-2	1-3	
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	1-3	1-3	
RB9	Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	1-3	1-3	

RB10	Failure to respond to questions or requests by staff	1-2	1-3	
RB11	Unwanted or inappropriate physical contact	1-3	1-3	

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school. (Elementary Schools)	Elementary Levels	Secondary Levels	Law Enf
BSC1	Alcohol: Possessing or using alcohol	1-4	1-4	
BSC2	Alcohol: Distributing alcohol to other students	2-5	2-5	
BSC3	Drugs: Possessing drug paraphernalia	1-4	1-4	
BSC4	Drugs: Violating school board non-prescription (Over the counter) medication policy	1-4	1-4	
BSC5	Tobacco: Possessing/Using tobacco products, electronic cigarettes, vaping equipment	2-3	2-3	
BSC6	Bullying Behavior without physical injury that continues after intervention. <i>Bullying that leads to physical injury should be classified as Assault and Battery.</i>	2-4	3-4	
BSC7	Cyberbullying that continues after intervention. <i>Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences.</i>	2-4	2-4	
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment	1-3	1-3	
BSC9	Bus: Distracting the bus driver	1-2	1-3	
BSC10	Bus: Endangering the safety of others on the bus	1-2	1-3	
BSC11	Fire alarm: Falsely activating a fire or other disaster alarm	2-3	2-3	
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	1-3	1-3	
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	1-3	2-5	
BSC14	Fighting that results in no injury as determined by the school administration	1-3	1-3	

BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	1-3	1-4	
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	1-2	1-3	
BSC17	Shoving, pushing, striking a student with no visible injury	1-3	1-3	
BSC18	Exposing body parts, lewd or indecent public behavior	1-3	1-4	
BSC19	Physical contact of a sexual nature – patting body parts, pinching, tugging clothing,	1-3	1-4	
BSC21	Stalking as described in the <i>Code of Virginia</i> section 18.2-60.3	1-3	1-4	X
BSC22	Stealing money or property using physical force (no weapon involved)	3-4	3-4	
BSC24	Leaving school grounds without permission	1	1-2	
BSC25	Trespassing	2-3	2-4	
BSC26	Possessing dangerous instruments or substances that could inflict harm	2-5	2-5	
BSC27	Weapons: Possessing any weapon (other than a firearm) as defined by § 18.2-308.1 .	4-5	4-5	

SBAR Code	Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community. (Elementary Schools)	Elementary Levels	Secondary Levels	Law Enf
BES01	Assault: Intending to cause physical injury to another person	1-4	2-4	
BES02	Assault and Battery: Causing physical injury to another person	3-5	3-5	
BES03	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	1-3	1-4	
BES04	Striking Staff: The use of force against a staff member when no injury is caused	1-4	3-5	
BES05	Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications	3-5	3-5	

BES06	Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications	3-5	4-5	
BES07	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications	3-5	3-5	
BES09	Fire: Attempting to set, aiding in setting, or setting a fire	2-4	3-5	
BES010	Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46.1	1-4	3-5	
BES011	Hazing as defined in §18.2-56 and noted in § 22.1-279.6 .	5	5	
BES012	Threatening, intimidating, or instigating violence, injury or harm to a staff member or members	1-4	2-5	
BES013	Threatening, intimidating, or instigating violence, injury or harm to another student(s) or others	1-3	2-5	
BES014	Threatening, intimidating, or instigating violence, injury, or harm to another student(s) or other(s) in writing. If the written threat is to a staff member, a report to law enforcement is required unless the student making the threat has a disability.	1-4	2-5	X -When Threat is to staff
BES015	Using an object not generally considered a weapon to threaten or attempt to injure school personnel	4-5	4-5	
BES016	Using an object not generally considered a weapon to threaten or attempt to injure students or others	4-5	4-5	
BES017	Bomb Threat	4	4	X
BES018	A crime in the community where the student was charged with an offense relating to the Commonwealth's laws but is required to be disclosed to the superintendent of the school division pursuant to §16.1-260(G)	Meeting required with the Discipline Hearing Officer		

SBAR Code	Category F: Behaviors that are persistently dangerous (Elementary Schools)	Elementary Levels	Secondary Levels	Law Enf
PD1	Homicide with a firearm	5	5	X
PD2	Homicide with another weapon	5	5	X
PD3	Sexual assault	5	5	X
PD4	Attempted sexual assault	5	5	X
PD5	Use of a bomb	5	5	X
PD6	Assault with a firearm or weapon	5	5	X
PD7	Actual or attempted robbery	5	5	X
PD8	Kidnapping/Abduction	5	5	X
PD9	Malicious wounding without a weapon	5	5	X
PD10	Aggravated sexual battery on a student	5	5	X
PD11	Illegal possession of a handgun	5	5	X
PD12	Illegal possession of a rifle or shotgun	5	5	X
PD13	Illegal possession of any other projectile weapon	5	5	X
PD14	Illegal possession of a bomb	5	5	X
PD15	Illegal possession of other firearms	5	5	X
PD16	Illegal possession of controlled drugs and substances with intent to distribute or sell	5	5	X

Transportation Related Behavior

BUS BEHAVIOR EXPECTATIONS AND SAFETY REQUIREMENTS FOR ALL STUDENTS

The standards of behavior outlined in the Code of Student Conduct shall apply to students on their way to or from school and while waiting at the bus stop. Students riding school buses shall follow the additional rules outlined in this section. Riding the bus is a privilege that may be revoked temporarily or permanently when the general conduct of the student is detrimental to the safety and comfort of others on the bus.

At the Bus Stop	When the Bus Arrives
<ul style="list-style-type: none"> • Be at your bus stops at least ten (10) minutes before the bus is scheduled to arrive. • While on the way to the bus stop, exercise safe pedestrian practices (be aware, cautious, and respectful of traffic). • Wait for your bus in a safe place, clear of traffic, away from the road. • Ensure your behavior at the bus stop is comparable to behavior expected at school. • Respect private property. 	<ul style="list-style-type: none"> • Before boarding the bus, wait until the bus has come to a complete stop (never run alongside a moving bus). • Be certain that the bus warning lights have been activated. • Be certain that traffic in all directions has stopped. • Be sure the bus driver sees you before you board the bus (make sure you can see the bus driver's eyes). • When boarding the bus, be aware of and avoid the "danger zone," the ten (10) foot area immediately surrounding the stopped school bus. • When crossing a road to board the bus, walk to a point ten (10) feet or more in front of the bus and wait for a signal from the bus driver to cross the road. Remember to cross only in front of the bus. • Walk promptly to the front door of the bus (do not run or jump).

On the Bus	Exiting the Bus
<ul style="list-style-type: none"> • Remember, the bus driver is in charge of all passengers, has the authority to assign seats, and may make any other arrangements deemed necessary to maintain a safe and orderly environment. • You are required to obey the directives of the driver. • Be respectful and courteous to the bus driver and all passengers. • Talk quietly and politely. • Use language appropriate to the school setting. • Keep the bus neat and clean. • No food or drink can be consumed on the bus or at the bus stop. • Perfumes, colognes, or body sprays should not be used or sprayed while on the bus. • Remain in your seat and face forward. • Keep the aisles and exits clear. • Only bring items onto the bus that can be held in your lap. • Head, arms, and objects must remain inside of the bus at all times. • Objects must remain on the bus and not be thrown out the windows. • You are not to tamper with the emergency door or other bus equipment. • Student behavior must not distract the driver or cause a safety hazard. This includes any form of misbehavior, rule violation, loud talking or laughter, or talking to the bus driver while the bus is in motion (except in an emergency). • Remember that all school rules still apply when you ride the school bus. For example, use or possession of tobacco, e-cigarettes, alcohol, and drugs is not allowed. 	<ul style="list-style-type: none"> • Remain seated until the bus comes to a complete stop. • Leave the bus in an orderly manner with students in the front seat leaving first. • Exit at your assigned bus stop. • Before exiting the bus, double check that traffic in all directions has stopped. • When safe to exit, do so promptly (do not run or jump). • If you need to cross the road after leaving the bus, you must walk to a point ten feet (10) or more in front of the bus and wait for a signal from the driver to cross the road. You should cross only in front of the bus. Remember to cross promptly after double checking that traffic in all directions has stopped (do not run or jump). • While walking to your home from the bus stop, exercise safe pedestrian practices. • Go directly home after exiting your bus. • Parents/guardians of students in preschool through the third grade, remember you or your designee must be at the bus stop each afternoon to receive your child. If your designee is not present to receive your child, then the bus driver will bring your child back to school. Should this happen repeatedly, then your child will lose bus transportation services. Parents must provide the school a list of designees.

Students are under the authority of the School Board from home to school and back home, while waiting at the bus stop, and while riding school provided transportation. Parents are requested to accompany their young children to and from the bus stop. Each student is required to ride his/her assigned bus and get on and off at his/her designated stop. A student may be allowed to ride a bus other than his/her assigned bus, provided that this does not cause overcrowding on the bus, and/or get on or off at a stop other than the designated stop if the student has written permission from the parent or guardian, approved in advance by the school principal and/or designee. When one student wishes to ride home with another student on a bus other than their regularly assigned bus (or other mode of transportation), the number of students permitted to ride home with any student is limited to one per student. Parents are responsible for the supervision and safety of students from home until they board the bus and from the bus stop to home.

Consequences for Violations Related to Bus Transportation

After a student has demonstrated a pattern of disruptive behavior, such as being out of his/her seat or making loud noises, the bus driver will warn the student verbally. A Bedford County School Bus Conduct Report will be filled out by the bus driver when a student violates bus regulations or displays unacceptable conduct. Students may receive bus conduct reports for actions witnessed by the driver or filmed by the video camera.

- Pre-School -5th Grade: Students receiving referrals at these grade levels may be subject to the following guidelines as consequences to their inappropriate behavior.
- 6th -12th Grades: Students receiving referrals at these levels will be subject to the following guidelines as consequences to their inappropriate behavior. Any changes to this process will be at the administrator’s discretion.

Offense/Violations	Consequences for violations may include, but may not be limited to, the following:
1st Offense – Step 1	Conference with principal/designee and parent contact.
2nd Offense – Step 2	Student is suspended from bus privileges ONE DAY and parent contact.
3rd Offense – Step 3	Student is suspended from bus privileges THREE DAYS – Parent and student must meet with the principal/designee before student may ride the bus again.
4th Offense – Step 4	Student is suspended from bus privileges FIVE DAYS – Parent and student must meet with the principal/designee before the student may ride the bus again.
5th Offense – Step 5	Student is suspended from bus privileges TEN DAYS – Parent and student must meet with the principal/designee before the student may ride the bus again. A plan of action will be written.

6th Offense – Step 6	Parent and student meet with the superintendent/designee before the student may ride the bus again. Student may be suspended from bus privileges for the remainder of the school year.
<ul style="list-style-type: none"> • Detention, School Service, In-School Suspension, Saturday School, and Out-of-School Suspension may also be used as consequences. • Some behaviors necessitate suspension and students will be placed at the appropriate step. • For students with disabilities, administrators should consult special education case managers to ensure compliance with local, state, and federal guidelines. 	

Bus Video cameras

Many of the school buses are equipped with video cameras. These tools monitor the passenger area of the bus. The purpose of this equipment is to provide an extra tool to assist the driver/administrator in managing student conduct on school buses which is important for passenger safety. Bus video footage may be shared with students and their parents/guardians when those students have received a bus disciplinary referral. Otherwise, bus video footage is only accessed and viewed by school staff and other authorized viewers.

Driving to and from School Expectations and Consequences

If you drive to school, you are required to obtain a school parking permit and you must follow all driving related expectations. The privilege of bringing a vehicle onto school property may be limited or denied by the school administration.

1. To be eligible to drive to school, you must
 - have a valid Virginia State Driver’s License,
 - register your vehicle at your school,
 - sign a driver contract with your parent/guardian (if under 18 years of age),
 - pay the school’s parking fee, and
 - be pre-approved by your school administration.
2. You must display your parking permit on the rear view mirror (not on the dash or seat of the vehicle). The permit must be completely visible from the front of the vehicle. Failure to comply may result in the loss of parking privileges or having your car towed at your expense.
3. If you park your vehicle on the school campus without a current parking permit, the vehicle may be towed without warning at your expense.
4. You must enter the parking lot in a timely and responsible manner. The speed limit on school grounds is five (5) MPH. Speed limit is strictly enforced. All forms of reckless driving are strictly prohibited on school grounds.
5. You must park your vehicle in the designated parking area according to school policy. Vehicles parked in an incorrect parking space will be subject to towing at the owner’s expense.
6. Your vehicle may be searched by school administration when circumstances warrant such action. Remember, you are responsible for all items in your vehicle and that you are to ensure

there are never items in your car which are in violation of the Code of Student Conduct or state law.

7. You are not to display obscene, offensive, or disruptive items on or in your vehicle.
8. You are to keep your vehicle locked and secured.
9. Students must exit their cars immediately upon arrival on campus and must exit the parking lot immediately after dismissal.
10. You are not permitted in parking lots during the school day without written permission from your school administration.
11. If you receive six (6) unexcused tardies to school, your parking privileges will be suspended for one (1) week. All subsequent tardies will extend the period of lost driving privileges – administrators will determine the length of suspension.
12. Once you have arrived on campus, you are not allowed to leave early without administrative and parent permission for any reason.
13. Upon leaving school, you are to exit the parking lot in a timely and responsible manner obeying all traffic controllers.

In addition to the rules listed above, your driving privileges may also be suspended for the following reasons:

- Violation of Virginia Attendance Laws
- Tardiness
- Parking Without a Permit
- Reckless Driving on School Grounds
- Carrying unauthorized number of passengers
- Consequence for Disruptive Behavior Assigned
- Leaving School Without Permission/Skipping
- Loud Music
- Any Other Reason Deemed Appropriate by the Administration

Students under 18 years of age, who have had their license for less than one year, may not carry more than one passenger other than siblings in their vehicle. After holding a valid license for one year, students under the age of 18 may not carry more than three passengers. ALL students are expected to wear seatbelts. Periodic safety checks will be performed at the discretion of the administration under the supervision of the School Resource Officer. Students who are observed not wearing a seatbelt will lose parking privileges for one week. Subsequent offenses will result in additional loss or revocation of parking privileges as determined appropriate by the school administration.

SPECIFIC AREAS OF EMPHASIS

ATTENDANCE AND ABSENCE NOTIFICATION TO SCHOOLS

Notification for Absences: When a student is absent from school for an entire day or for one or more class periods, a parent or guardian must notify the school in a written, faxed, or emailed note **within three (3) days of the student returning to school. The written notification must contain the following:**

- the date the note is written;
- the student's full name;
- the reason(s) for the absence(s);
- the date(s) of the absence(s); and
- the parent's or guardian's signature (acceptable by email if address can be verified by school)

In some cases, schools may accept phone calls the day of the absence to document the missed day. Medical documentation is required to verify doctor's appointments and may be required to verify illnesses. The principal will be the judge of the validity of any excuses. A principal may require medical documentation if a student has displayed a pattern of excessive absences.

Excused Absences: Students shall not be tardy to school or absent without an acceptable excuse. Absences due to the following conditions will be considered excused if documented **within three (3) days of the student returning to school.**

1. Student illness or doctor appointment.
2. Death in the immediate family.
3. Subpoenaed court appearance.
4. Medical condition (as documented by the parent and/or physician).
5. Religious holiday (if such holiday is verified and the school is notified in advance).
6. Other good and just cause as approved by the principal.

Medical documentation is required to verify doctor's appointments and may be required to verify illnesses. The principal will be the judge of the validity of any excuse. **A principal may require medical documentation if a student has displayed a pattern of excessive absences.**

Excessive Excused Absences: The attendance record of students with more than 10 excused absences, without accompanying medical notes from a doctor, will be reviewed by the principal; The school administrator may initiate a school level truancy plan for excessive absences.

Dismissal Precautions: A formal check-out system shall be maintained in each school. School principals/designees shall not release a student during the school day to any person not authorized by the student's parent/guardian to assume responsibility for the pupil. Students shall be released only on request and authorization of the parent or guardian. The burden of proof regarding the

authority of the person to receive the student is on the requesting party. Written documentation for absences due to the early dismissal of a student is also required.

COMPULSORY SCHOOL ATTENDANCE LAW

REQUIRED NOTICES

Excerpted from the *Code of Virginia*, as amended

Upon Fifth Absence Without Parental Awareness and Support: Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal/designee shall make a reasonable effort to ensure that direct contact is made with the parent in person, through telephone conversation, or through the use of other communications devices to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The principal/designee, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance (§ 22.1-258, *Code of Virginia*).

After Fifth Absence Without Parental Awareness and Support: If the pupil is absent for more than one additional day after direct contact with the pupil's parent, and school personnel have received no indication that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall schedule a conference with the pupil, his parent, and school personnel. The conference shall be held no later than 10 school days after the **tenth absence** of the pupil, regardless of whether the parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve.

If the student continues to accumulate absences after the school-based plan has been developed, the family may be recommended to participate in a truancy team meeting with the administrator and court services. If the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall schedule a conference with the pupil and his parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of services as defined in § 16.1-228 or (ii) institute proceedings against the parent pursuant to § 18.2-371 or 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents. (§ 22.1-258, *Code of Virginia*).

Parental Cooperation in Resolving Excessive Unexcused Absences: Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law (§ 22.1-258, *Code of Virginia*). Attendance officers, other school personnel, or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection

with the notice to parents of a pupil's absence or failure to give such notice as required by [§ 22.1-258](#), *Code of Virginia*.

Nonattendance and Denial of Driving License by Court Action: According to [§ 46.2-323\(E\)](#) of the *Code of Virginia* and [BCPS Policy JED](#), if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

Possible Court Action Regarding Truancy and Driver's License: If a court finds that a child at least 13 years of age has failed to comply with school attendance and meeting requirements as provided in [§ 22.1-258](#), the court shall order the denial of the child's driving privileges for a period of not less than 30 days. If such failure to comply involves a child under the age of 16 years and three months, the child's ability to apply for a driver's license shall be delayed for a period of not less than 30 days following the date he reaches the age of 16 and three months.

If the court finds a second or subsequent such offense, it may order the denial of a driver's license for a period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three months, as may be appropriate.

Any child who has a driver's license at the time of the offense or at the time of the court's finding as provided in subsection A1 shall be ordered to surrender his driver's license, which shall be held in the physical custody of the court during any period of license denial ([§16.1-278.9](#), *Code of Virginia*).

Compulsory School Attendance and Alternative Education Attendance: A student for whom an individual student alternative education plan has been granted and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law ([§ 22.1-254 \(E\)\(d\)](#), *Code of Virginia*).

Excessive Tardiness to School: To ensure a successful start to each school day, students must arrive at school on time. When students demonstrate a pattern of unexcused tardies, school staff may contact the parent to discuss the unexcused tardiness and to develop a plan to remedy the problem. The student may also be required to ride his/her assigned bus to school and if the student is attending a school out of his/her assigned zone, the principal may recommend to the superintendent that the student's zone transfer be revoked.

Excessive Excused Absences to School: When students demonstrate a pattern of absences that are excused with a medical note, school staff may contact the parent to discuss the absences and to develop a plan to remedy the problem or support the student.

Note. The VDOE considers a student chronically absent when 18 absences have accrued for any reason, excused or unexcused.

COMPULSORY SCHOOL ATTENDANCE EXPECTATIONS IN STATE LAW

Definition: Violation of state, school division, or school policy relating to attendance.

Code of Virginia 22.1-254

§ 22.1-254. Ages of children required to attend.

- A. Every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational or parochial school, or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulation of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational or parochial school, or by a public or private degree – granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial school.

- B. Instruction in the home of a child or children by the parent, guardian or other person having control or charge of such child or children shall not be classified or defined as a private, denominational, or parochial school.
- C. The requirements of this section shall not apply to any child who obtained a high school diploma, its equivalent, or a certificate of completion, or has otherwise complied with compulsory school attendance requirements as set forth in this article.
- D. The requirements of this section shall apply to any child in the custody of the Department of Youth and Family Services, or any child who may have been adjudicated as an adult, and who has not passed his eighteenth birthday.
- E. Within one calendar month of the opening of school, each school board shall send to the parents or guardians of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board. Each parent or guardian shall submit to the School Board a statement, provided with the materials, acknowledging receipt of these materials.

TECHNOLOGY USE GUIDELINES FOR STUDENTS

Purpose

To establish clear guidelines for all students who may have or are granted access to the Bedford County Public Schools' ("BCPS") computer System.

Definitions

“Computer system” includes, but is not limited to hardware, software, data, communication lines and devices; printers; laptop and desktop computers; tablets; smartphones; optical disks; tape drivers; servers; mainframe; personal electronic devices brought as part of the *Bring Your Own Device (“BYOD”)* program; all peripherals, digital cameras, document cameras, interactive whiteboards/panels, and projectors; internal and external network connections; email systems; social media accounts; cloud or other online services offered through or operated by BCPS; and any other internal or external networks and/or services that BCPS utilizes.

“Division personnel,” “employee,” or “staff” means any person employed by the Bedford County School Board.

“Guest” means any member of the Bedford County community or other individual who is granted access to BCPS’ computer system.

“Parent” means biological parent, relative, guardian, or other adult who has physical and/or legal control and responsibility for a minor (child) under the age of eighteen years.

“Student” means any person currently enrolled in Bedford County Public Schools. This includes students who are otherwise adults enrolled in any program sponsored by Bedford County Public Schools

“User” means any person who has access to or has permission to use BCPS’ computer system. User includes all guests, division personnel, employees, staff, parents, and students.

Statement of Expectations

Students may gain access to the computer system for educational purposes or another legitimate purpose as determined by the classroom teacher. When using the computer system, whether on or off school grounds, students shall follow all applicable School Board policies and procedures, including this Technology Use Guidelines (TUG), the Acceptable Computer System Use policy (AUP) and the Student Code of Conduct. The relevant policies, procedures, and rules are applicable whether students are online or in the physical school building. Students shall not engage in any bullying or cyberbullying as defined in the Code of Student Conduct.

All use of the BCPS’ computer system shall be consistent with the School Board’s mission: Bedford County Public Schools will provide equal opportunities to enable all students to think critically, collaborate, create, communicate, and become productive citizens. BCPS’ computer system is maintained for the mutual benefit of all users, and adherence to this TUG is necessary for continued access to the computer system.

The use of the BCPS’ computer system is a privilege, not a right, and the TUG and AUP are designed to establish clear guidelines for all students who have been granted access to the computer system. Students’ use of the computer system shall be in furtherance of BCPS’ educational objectives and in accordance with this TUG, AUP, the Code of Student Conduct, and any other policy and/or procedure referenced below.

Internet Safety Instruction and Community Outreach

The need for Internet safety instruction and community outreach programs is assessed by building administrators, teachers, and other division personnel, all working together toward educating all stakeholders within our community.

As set forth in Va. Code § 22.1-70.2, BCPS shall provide to all students (K-12) Internet safety training. This includes, but is not limited to, intellectual property rights, online predators, illegal downloading from the Internet, and “sexting.” Internet safety instruction programs may call on School Resource Officers to assist in the explanation of the following: legal definitions, charges that may be filed against an individual in specific situations, and lasting legal consequences. All students are expected to actively practice proper network etiquette.

Safety Measures and Limitations

To protect students, software is installed on the BCPS network to filter or block any content deemed inappropriate or harmful by BCPS, which includes but is not limited to child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256; obscenity as defined in Va. Code § 18.2-372 or 18 U.S.C. § 1460; material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors including social networking spaces. Software filters are limited to blocking content accessed through the BCPS network, and will not prevent access to content when non-BCPS networks are utilized. Cell phones are one example of technology that does not utilize the BCPS network and will not benefit from the software filter. Students shall not rely on software filters to prevent inappropriate website access.

As new technologies emerge, the educational value and ease of classroom integration will be evaluated concurrently by the BCPS Technology Staff, the BCPS Instructional Department, the BCPS Special Services Department, building technology committees, and the TUG Committee. Recommendations for amendment to the TUG and AUP will be made by the TUG Committee to the governing School Board.

Data Backup and Network Security

BCPS makes every effort to provide reliable file storage through Google Drive; however, since no storage solution is 100% reliable, each user is responsible for backing up his/her individual files.

Users shall not expect any data stored on the BCPS’ computer system to be private. Digital communication and files stored on BCPS’ computer system are regarded as property of BCPS. Authorized administrators may, without reason or prior notice, review files and documents including, but not limited to, email, documents, and logs, to ensure users are acting in accordance with this TUG, and to maintain system integrity.

Current security measures include firewalls, Internet filters, virus protection, and virus monitoring devices. The BCPS Technology staff and Systems Engineer evaluate the security of the BCPS’ computer system to identify security threats daily. Data security and network security are constantly reviewed and, when necessary, adjustments and modifications are made to the system as issues arise.

Any user who identifies a security issue or problem shall immediately notify the building administration, the Technology Staff, Systems Engineer, or the Director of Technology. The intentional destruction or vandalism of BCPS' computer system by any means or the intentional breach of BCPS' LAN or WAN is prohibited. This includes, but is not limited to, the use of cellular hotspots, personal access points, VPN, and/or proxy applications to circumvent the BCPS Internet filtering system. Any violation of this TUG may result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by the School Board, or legal action.

Reliability of the Computer System

Technology, while extremely valuable, is sometimes unreliable. The School Board makes no warranties for the computer system it provides. The School Board shall not be liable for any damages to the user from use of BCPS' computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Board denies any responsibility for the accuracy or quality of information obtained through BCPS' computer system. Users are cautioned to prepare for and guard against instances of technology unreliability. Users agree to indemnify the School Board for any losses, costs, or damages incurred by the School Board relating to or arising out of any violation of this TUG.

1:1 Device Program

BCPS provides each student in grades 4-12 with a device to be used as an instructional tool. Student devices are provided to enhance instruction and learning, they are not intended to replace instruction. The 1:1 device program addresses this mission of BCPS and ensures that students can access what they need when they need it – whether in the classroom, at home, or in any public area that has an Internet connection. For more information, please refer to the 1:1 Device Handbook. Web filtering software will filter content whether the 1:1 device is on or off the BCPS network. For more information, please refer to the 1:1 Device Handbook.

Google Domain

BCPS uses Google Workspace for Education under a private BCPS Google domain. Google Workspace for Education is a set of education productivity tools from Google including, but not limited to, Gmail (grades 6-12), Calendar, Docs, and Drive. At BCPS, students will use their Google Workspace for Education accounts to complete assignments, communicate with their teachers, sign into their Chromebooks, and learn 21st century digital citizenship skills.

BCPS provides a Google Domain account to students as a tool to meet education expectations while fulfilling their academic and school-sponsored extracurricular activities. A Google Domain account is not private and may be monitored and accessed by BCPS. Unauthorized access to a Google Domain account by any student is prohibited. Students are prohibited from sharing their Google account access information (logins and passwords) with other students. Students are prohibited from soliciting or using the account access information of others. Students shall be held personally responsible for all content in their Google Domain accounts stored in Gmail, Docs, Drive, etc. When communicating with BCPS staff through Gmail, students shall use the BCPS staff member's official email address. Downloading any file attached to an electronic message is prohibited unless the student is certain of that message's authenticity and the nature of the file.

YouTube is offered to students through the Google Domain. A limited number of videos appropriate for school use are available in a Restricted Mode. Videos that are not available but have an educational purpose may be approved through BCPS teachers and staff.

BCPS provides email access to students in grades 6-12 as an educational tool. This email is not private and may be monitored and accessed by BCPS staff. Students in grades 6-8 will only be able to email within the BCPS domain, sending and receiving email from an email address outside of the BCPS domain will not be granted. Personal email accounts may not be used by students to communicate with BCPS staff. Unauthorized access to an email account by any user is prohibited. Users shall be held personally liable for the content of any email they create. Downloading any file attached to an email is prohibited unless the user is certain of its authenticity and the nature of the file. Prohibited uses of BCPS student provided email accounts included but are not limited to:

- Sending personal and confidential information;
- Swearing, using vulgarities, or using any other inappropriate language in any email transmission (Disciplinary action, as outlined in this policy, may be imposed);
- Sending or forwarding chain letters;
- Spamming (sending unwanted, unsolicited emails to large groups of people, or everyone in your address book);
- Sending or sharing documents with large groups of people for anything other than an educational purpose to include selling products or offering outside merchandise;
- Subscribing to mail or notification lists (e.g. signing up or creating accounts for anything not school related);
- Sending emails with false or defamatory information; and
- Sending emails that are intended to harass, insult, or are personal or discriminatory attacks on another user.

Electronic & Digital Published Media

BCPS may provide digital tools to aid students and staff in fulfilling their educational and workplace responsibilities. When authoring these digital works, users shall keep in mind that the end product shall support the educational objectives of BCPS. Every member of the BCPS community has the responsibility to maintain and enhance BCPS' public image and to use all digital tools in a productive manner. Unacceptable use includes but is not limited to:

- Posting personal and/or confidential information;
- Swearing, using vulgarities, or using any language inappropriate for a school setting;
- Transmitting false or defamatory information;
- Creating any end product intended to harass, insult, or launch a personal or discriminatory attack on an individual or group; and
- Posting electronic media for any other purpose that is illegal, against School Board Policies, or contrary to the best interest of BCPS.

Social Media

Social media includes Internet-based applications and mobile technologies that allow the creation and exchange of user-generated content. Examples of commonly used social media tools include, but are not limited to: blogs, message boards, chat groups, instant messaging, personal news updates, and music/video sharing (e.g., Facebook, Instagram, Remind, YouTube, and Twitter). Utilization of social media on BCPS's computer system is permitted only by division personnel for

professional development purposes; as a tool to foster closer community/school relations (e.g. the creation of a school Facebook Page); and as an educational tool with students over the age of 13 years, provided it is on the pre-approved list maintained by the Director of Technology or designee. Students may use social media on BCPS' computer system only for educational purposes with prior approval from the classroom teacher.

Any use of social media must be in conformance with this TUG. Staff and students are cautioned that even non-school division computer system use of social media that violates this TUG, the AUP, any School Board policies or procedures, the Code of Student Conduct, or creates a foreseeable risk of causing a substantial disruption to the work and discipline of the school, may result in disciplinary action. Students should only interact with staff through social media sites created for educational purposes. Students should not engage staff through personal social media sites.

Social media in the classroom shall be used with students under the age of 13 years only where allowed by law (e.g., falls within the parameters of COPPA, CIPA, and PPRA) or when BCPS has approved usage division-wide (e.g., the BCPS Google Domain, a private BCPS learning management tool) and with parental permission.

Examples of Acceptable Technology Use

1. In accordance with teacher directives in the instructional setting, including:

- Research
- Organization of materials
- Brainstorming
- Composition
- Note-taking
- Instructional software and Internet activities
- Projects
- Correspondence
- Career Development
- Discussion Forums
- Electronic Collaboration

2. Comply with fair-use laws and copyright regulations while accessing the Internet

- Understand, recognize, and respect the intellectual property of others;
- Present accurate information when collaboratively gathering or sharing information (e.g. avoid Wiki vandalism);
- Ethical gathering and/or presentation of information (e.g. avoid plagiarism, provide correct attribution, follow Creative Commons Law); and
- Cite all sources.

3. School-sponsored email

- Use for legitimate BCPS academic and curricular activities communications;
- Keep passwords and logins confidential and share them only with trusted adults;
- Only access your own account;
- Send messages that contain content in accordance with this policy and the Code of Student Conduct;

- Immediately report messages that violate this policy or the Code of Student Conduct to administration; and
- Download attachments only when the user is certain the attachment is safe for the Computer System.

4. The Principles of the Computer System Community:

- Exercise polite and proper network etiquette (the acceptable behavior the Internet community expects its citizens to follow);
- Use the BCPS network for educational activities;
- Respect both your own privacy and the privacy of others by not giving out personal information;
- Respect the rights of others by not wasting network resources; and
- Report to a trusted adult any material that makes you feel scared or uncomfortable.

Examples of Unacceptable Use

Students MAY NOT engage in any conduct that violates this TUG, the AUP, or the Code of Student Conduct. For example, a student MAY NOT:

1. Bypass or attempt to bypass BCPS' filtering software;
2. Swear, use vulgarities, or any other inappropriate language in any electronic communication;
3. Access web pages or Internet content that is inconsistent with the educational objectives of BCPS;
4. Participate in cyberbullying which is defined as the use of electronic media to support deliberate, repeated, and hostile behavior by an individual or group with the intention of physically or psychologically intimidate others;
5. Use the network/Internet for any illegal activity, including violation of copyright law, violation of contracts, or transmitting any material in violation of any federal, state or local law;
6. Send, receive, view, or download illegal or otherwise prohibited material via BCPS' computer system;
7. Install or download media, without authorization, to any BCPS or non-BCPS electronic devices while connected to the BCPS network;
8. Use BCPS' computer system for private financial or commercial gain or advertising;
9. Use resources wastefully (e.g. bandwidth, file space, paper, and ink/toner) or fail to respect the BCPS resource limits;
10. Gain unauthorized access to resources or entities;
11. Post material authored or created by another without his or her consent;
12. Submit, post, publish or display any obscene, profane, threatening, illegal, or other inappropriate material;
13. Use BCPS' computer system while access privileges are suspended or revoked;
14. Vandalize BCPS' computer system, including, but not limited to, modifying or rearranging keyboards, individual keycaps, any other peripheral equipment, or destroying data by creating or spreading viruses and/or by any other means;
15. Forge, intercept, or interfere with electronic mail messages;
16. Post personal contact information about oneself or others including, without limitation, name, address, telephone, school/work address, without the prior written approval of the school principal or other designee of BCPS;

17. Use BCPS' computer system to disrupt others;
18. Read, modify or delete data owned by others;
19. Attempt to modify settings or personalize devices owned by BCPS; and
20. Violate any School Board policy or procedure or the Code of Student Conduct while using BCPS' computer system.

Recommended Dispositions in the Event of Student Misconduct

Students shall be held accountable to the appropriate Level of Consequence chart found in the [Code of Student Conduct](#).

TUG Review and Revision

At a minimum, this TUG will be reviewed on an annual basis. Additional review may be conducted if warranted under the circumstances.

BULLYING AND BIAS-BASED BEHAVIORS

§ 22.1-291.4. of the *Code of Virginia* requires that school boards implement policies and procedures to address bullying. The [BCPS Policy JFD](#) defines the expectations of students and prohibits any form of bullying, cyberbullying, and harassment. Important expectations and definitions from the policy are listed below.

The Bedford County School Board believes that all students have a right to a safe and healthy school environment free from bullying and harassment and is committed to promoting mutual respect, tolerance and acceptance. The Bedford County School Board recognizes that a positive and productive educational environment is essential for students to achieve high academic standards.

Therefore, the Bedford County School Board prohibits bullying and such conduct will result in disciplinary action. This prohibition includes the bullying of any person on school property, while participating in educational services, a school function, including bullying through the use of electronic technology. Bedford County School Board further prohibits reprisal, retaliation or false accusation against a target, witness or one with information about an act of bullying.

Bedford County Public Schools students, either acting alone or as part of a group, shall not harass or bully others or demonstrate behaviors that a reasonable person would know to have the effects of:

1. Placing an individual in fear of harm to his or her physical or emotional well-being or damage to his or her property;
2. Creating a hostile, threatening, or humiliating environment due to the repetition of action or due to an imbalance of power;
3. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, embarrass, or cause emotional, psychological or physical harm to another;
4. Materially and substantially disrupting the educational process or the orderly operation of school.

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

trauma. “Bullying” includes cyberbullying. “Bullying” does not include ordinary teasing, horseplay, argument, or peer conflict.” (Virginia Code Section [22.1-276.01](#)).

Bullying may take many forms, including the following:

1. **Physical Bullying** – physical acts of aggression including, but not limited to, hitting, kicking, tripping, blocking, or pushing and physical intimidation by gesture;
2. **Verbal/Nonverbal Bullying** – threats or gestures of physical aggression, name-calling or insults, mocking behaviors, obscene gestures, or graffiti reflecting bullying behavior on school property;
3. **Relational Bullying** – spreading rumors with intent to harm, intentional exclusion or isolation, or group actions unified toward threatening or humiliating another;
4. **Cyberbullying** – bullying by use of information and communication technologies that may include, but not be limited to, spreading information or pictures that would be defined as bullying, impersonation of a virtual identity or forwarding information intending to be private. Cyber-bullying would fall under the investigation of school staff when it materially and substantially disrupts the educational process or the orderly operation of school; and
5. **Sexual Bullying/Harassment** – unwanted touching of a sexual nature, obscene gestures or comments made about a person’s sexuality or sexual activity.

A culture of openness is considered the most effective means to counter bullying or harassing behavior. Students who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe these behaviors are taking place have a responsibility to report incidents to the principal or designee. School staff will investigate reports of bullying and communicate with all appropriate parties after the investigation. This includes the principal notifying the parent of any student involved in an alleged incident of bullying of the status of any investigation within five (5) school days of the allegation of bullying. Should you have any questions or concerns, please feel free to contact your child’s principal or the Bedford County Public Schools Safety and Security Office.

The *Code of Student Conduct* contains a **Bullying Reporting Form** that may be used to report alleged incidents of bullying. In addition, secondary students may use the STOPit anonymous reporting app to report cases of bullying. Students who wish to report incidents of discrimination, harassment, or retaliation may contact the appropriate compliance officer as listed on the BCPS website at https://bedford.sharpschool.net/departments/hr/compliance_officers.

BEDFORD COUNTY PUBLIC SCHOOLS

Bedford County, Virginia 24523

Bullying Reporting Form

Directions: The Bedford County School Board believes that all students have a right to a safe and healthy school environment free from bullying and harassment and is committed to promoting mutual respect, tolerance and acceptance. This is a form to report alleged bullying that occurred on school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and /from school in the current school year. If you are a student victim, parent/ guardian of a student victim, or a school staff member and wish to report an incident of alleged bullying, complete this form and return it to the administration.

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

This intentional behavior includes any bullying based upon race, religion, ancestry, national origin, economic status, gender, sexual orientation (reported or perceived), gender identity, physical appearance, social interactions or disability. Bullying may take many forms, including the following:

Physical Bullying – physical acts of aggression including, but not limited to, hitting, kicking, tripping, blocking, or pushing and physical intimidation by gesture.

Verbal/Nonverbal Bullying – threats or gestures of physical aggression, name-calling or insults, mocking behaviors, obscene gestures, or graffiti reflecting bullying behavior on school property.

Relational Bullying – spreading rumors with intent to harm, intentional exclusion or isolation, or group actions unified toward threatening or humiliating another.

Cyberbullying – bullying by use of information and communication technologies that may include, but not be limited to, spreading information or pictures that would be defined as bullying, impersonation of a virtual identity or forwarding information intending to be private. Cyber-bullying would fall under the investigation of school staff when it materially and substantially disrupts the educational process or the orderly operation of school.

Sexual Bullying/Harassment – unwanted touching of a sexual nature, obscene gestures or comments made about a person’s sexuality or sexual activity.

(PLEASE PRINT ALL INFORMATION)

Today's Date ____/____/____ School _____

Do you believe the behavior was intentional, repeated over time, intended to harm, involved a power differential, and created a hostile educational environment? _____ Yes _____ No

Person Reporting Incident: Name _____

Telephone ____ - ____ - ____

Email _____

Check appropriate identification: ____ Student ____ Parent/guardian of student ____ Staff ____ Bystander ____ Close adult relative
Name of alleged student victim _____
Name of alleged student victim _____
Name of alleged witness(s) (if known) _____
Name of alleged witness(s) (if known) _____
Name of alleged offender(s) (if known) _____
Name of alleged offender(s) (if known) _____

On what date(s) did this happen? ____/____/____ ____/____/____ ____/____/____

Where did the incident happen (choose all that apply)?

____ On school property (Specifically where did the incident occur?)

____ At a school sponsored activity or event off school property (Please be specific.)

____ On a school bus. On the way to/from school (Please circle one.)

____ Via internet

Describe the incident(s), including what the alleged offenders(s) said or did. (Attach a separate sheet if necessary.)
--

Signature of person submitting this form. _____ Date _____

DRESS CODE STANDARDS

BCPS has created standards for student dress in order to empower learners for future success and foster a safe and dynamic learning environment. BCPS operates in a manner that respects differences based on sex, race, color, national origin, gender, ethnicity, religion, disability, ancestry, marital or parental status, and other factors. For these reasons, the School Board and school staff rely on students and parents to exercise good judgment in selecting appropriate clothing that does not disrupt learning or cause a safety concern. Students must wear a shirt and pants, shorts or a skirt or the equivalent (dress, jumper, etc.) and shoes. Clothing must cover the torso below the armpits as well as the buttocks.

The following types of attire (including clothing, jewelry, or other displayed personal belongings) are prohibited:

1. Attire that has language or images that are offensive, profane, vulgar, discriminatory, or racially/culturally divisive. This would include confederate flags, swastikas, KKK references, or any other images that might reasonably be considered hurtful or intimidating to others.
2. Attire that has language or images that promote illegal conduct, violence, or the use of drugs or alcohol.
3. Attire that causes or is reasonably likely to cause a substantial disruption to the learning environment.
4. Attire that causes or is reasonably likely to cause a safety concern.

Some school or classroom activities and curriculum may require specific dress guidelines (e.g., physical education). Any such requirements will be explained by the school staff and addressed in a course syllabus/parent letter. Students are permitted to wear any religiously or ethnically specific or significant head covering or hairstyle. Staff members will not enforce the dress code by direct physical contact with students, and no student will be required to undress in front of any other individual to comply with the dress code.

DRUGS IN SCHOOL - POLICY [JFCF](#)

The unlawful manufacture, distribution, dispensation, possession, use or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance as defined in the Drug Control Act of Chapter 34 of Title 54.1 of the *Code of Virginia* and as defined in 21 USC section 812, imitation controlled substances or drug paraphernalia while on school property, while going to and from school, or while engaged in or attending any school-sponsored or school approved activity or event, is prohibited and will result in an automatic recommendation of expulsion.

“Drug Paraphernalia” shall mean those items described in section [§18.2-265.1](#) of the *Code of Virginia* and “imitation controlled substance” shall mean pill, capsule, tablet, or other item which is not a controlled substance, and alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such pill, capsule, tablet or other item is a controlled substance, and alcoholic beverage, anabolic steroid, or marijuana.

In accordance with [§22.1-277.08](#) of the *Code of Virginia*, a student who has brought a controlled substance, imitation controlled substance, or marijuana as defined in [§18.2-247](#) onto school property or to a school-sponsored activity must be recommended for expulsion. However, the School Board may determine that under the facts of the particular case, special circumstances exist and another disciplinary action is appropriate. In addition, the superintendent or his designee is authorized to conduct a preliminary review of the matter and determine whether disciplinary action other than expulsion is appropriate.

Prevention and Intervention: Any student who violates this policy shall participate in the prevention and intervention activities identified in Bedford County school division's drug and violence prevention plan.

The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student's parent consents.

Required Reporting to Parents and Local Law Enforcement: The Principal shall report a violation of this policy to parents and local law enforcement as required by [BCPS Policy CLA](#).

Energy Drinks: Energy drinks are not allowed during the school day, or sold during school sponsored activities. Energy drinks are defined as; any product primarily sold as an energy boost, it is usually a carbonated beverage that contains caffeine and other stimulants along with herbal ingredients that end in (ine) or when the purpose is to increase energy and mental alertness. Some examples are: Red Bull, Monster, Vault, AMP, 5-Hour, Full, etc.

Lost, Broken, Destroyed, or Unreturned School Property- *Code of Virginia* [§ 22.1-280.4](#) and BCPS Policy [IN](#) (Student Fees, Fines, and Charges)

Students and their parents are responsible for any school property used by the student in the pursuit of his/her studies that is lost, broken, destroyed, or not returned to the school. The student's parent must reimburse the school for any outstanding bills due to lost, broken, destroyed, or unreturned school property before the student is allowed to participate in graduation ceremonies. Parents and students with financial needs may discuss a payment plan and special needs with the school principal.

SEX OFFENDER REGISTRY INFORMATION

Pursuant to Virginia Code [§22.1-79.3](#), notice is given that information regarding sex offenders is available in the Sex Offender and Crimes Against Minors Registry and may be accessed on the Internet at <http://sex-offender.vsp.virginia.gov/sor/>.

WEAPONS IN SCHOOL - POLICY [JFCD](#)

Possession or Use of Weapons Prohibited: Possession or use of a weapon, whether operable or inoperable, including, but not limited to, knives, firearms, explosives and flammables, or any item that can be or is used as a weapon or to start a fire, in a school building, on school property, at a school-sponsored activity, or going to or from school, is prohibited. Students who violate this prohibition will be subject to disciplinary action up to and including expulsion. A violation will also be reported to law enforcement officials.

In accordance with state and federal law, a student who brings or possesses a firearm as defined in section [22.1- 277.07\(E\)](#) of the *Code of Virginia* or other weapon or device prohibited by section [22.1-277.07\(A\)](#) of the *Code of Virginia* onto school property or to a school sponsored activity must be expelled for a minimum of 365 days. The School Board 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 Board from permanently expelling such student. In addition, the superintendent or his designee is authorized to conduct a preliminary review of the matter and determine whether disciplinary action other than expulsion is appropriate.

The following weapons on school property or at school-sponsored events require an automatic recommendation of expulsion:

- Any firearm. "Firearm" means any weapon, including a starter gun, that will, or is designed or may readily converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of [§ 15.2-915.4](#).
- Any firearm muffler or firearm silencer.
- Any pneumatic gun. "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.
- Any destructive device. "Destructive device" means (i) 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; (ii) 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 [§ 18.2-299](#) or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" 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 subsection F of [§ 18.2-308.2:2](#).

DEFINITIONS

Behaviors referenced in the *Code of Virginia* and terms related to those references are listed alphabetically in this section. The *Code of Virginia* requires that certain behaviors be included in codes of student conduct and reported to law enforcement. Those behaviors are noted in the last column of the leveled response tables. A school board may require reporting of other offenses to the division superintendent and/or law enforcement. Local school boards and law enforcement officials should consult to determine those offenses. The *Code* also states that whenever a student commits a reportable incident named in the *Code*, the student shall be required to participate in prevention and intervention activities as determined appropriate by the superintendent or designee (Link: [§ 22.1-279.3:1.C](#)).

Alcohol, Tobacco and Related Products, and Other Drugs

Student conduct policy for alcohol and drugs should address the possession, use, consumption, purchase, distribution, manufacture, and/or sale of restricted substances on school property, in school vehicles, or during school-sponsored activities on or off school property. This includes, but may not be limited to, alcohol, tobacco, electronic cigarettes, and inhalant (vaping) products, and other controlled substances defined in the *Drug Control Act*, Chapter 15.1 of Title 54 of the *Code of Virginia*, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia, and any prescription or non-prescription drug possessed in violation of school board policy.

School boards may consider the use of leveled sanctions in which a substance abuse prevention/intervention program is available to students in cases of possession, use, or distribution violations. A student assistance program can serve as an important programmatic element for substance abuse prevention, intervention, and linkage to treatment.

School boards, in accordance with [§ 22.1-277.2:1](#) of the *Code*, may require any student who has been found in possession of, or under the influence of, or distributing drugs or alcohol in violation of school board policy to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

Arson

Code of Virginia [§ 18.2-79](#) prohibits the burning or destroying of any school. The destruction may be in whole or in part--only a slight burning is necessary to violate this section of the *Code*. Incidents that rise to the level of arson of a school should be turned over to law enforcement for investigation.

Assault: Assault and Battery

The legal definition of assault is a threat of bodily injury. A battery according to Black's online law dictionary is any "wrongful physical violence or constraint, inflicted on a human being without his consent." Courts use these terms to describe behavior. They do not take into account the developmental age of children and therefore should not be used to describe student behavior that does not rise to the level of delinquency. Within the leveled system of student behaviors, age and development should be considered in any instance of physical contact between students. Behavior that is developmentally expected should not be labeled as assault or battery. However, student conduct policy should specifically prohibit assault and battery of students and staff.

Attendance: Truancy

Attendance requirements may be included in the student conduct policy or may be addressed elsewhere in policy at the discretion of the school board. The policy should establish an expectation for regular attendance, criteria for absences to be excused and not excused, and applicable disciplinary consequences and intervention assistance for unexcused absences and tardies. The comprehensive policy should address parental responsibilities, duties of the school division's attendance officer and procedures for taking action against the child and/or parent for failure to comply with applicable law. [§ 22.1-254](#) of the *Code of Virginia* addresses compulsory attendance, excuses and waivers, alternative education program attendance, and exemptions. The *Code of Virginia* specifically prohibits the use of suspension in cases of truancy:

[§ 22.1-277. Suspensions and expulsions of pupils generally.](#)

- A. *Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.*

"Truancy" means unexcused absence from school. However, there is an important distinction between a student who is truant and one who is chronically truant. A student displays truant behavior with a single unexcused absence from school, but a student needs to reach or surpass a certain number of unexcused absences to be considered chronically truant. Virginia law does not define a truant specifically but does define a child who is habitually and without justification absent from school as a "child in need of supervision" when certain other conditions are met.

According to [§ 16.1-228.A](#) of the *Code of Virginia*, the following criteria defines a "child in need of supervision" who is truant:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school;
2. The child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs;
3. The school division from which the child is absent or other appropriate agency has made a reasonable effort to affect the child's regular attendance without success; and
4. The school division has provided documentation that it has complied with the provisions of [§ 22.1-258](#) that address actions to be taken when a pupil fails to report to school.

Absenteeism labeled as chronic incorporates all absences: excused, unexcused, and suspensions. Students who are suspended or expelled for any period of time may be counted present if they are physically present in an alternative program approved by the school board. Addressing chronic absenteeism focuses on the academic consequences of this lost instructional time and on preventing absences before students miss so much school that they fall behind. It recognizes that students miss school for many understandable issues such as asthma or homelessness or unreliable transportation, for which a punitive response is not appropriate. Chronic absenteeism should be seen as a symptom of an underlying issue and should be addressed via a tiered system of supports framework. That framework may include working with juvenile and domestic court services personnel to address the underlying issues before a Child in Need of Services (CHINS) petition is filed. Developing a Memorandum of Understanding with the Juvenile Court Services is an important part of addressing chronic absenteeism and truancy.

Aggravating circumstances

For the purposes of [§22.1-277](#) and [§22.1-277.05](#) of the *Code of Virginia*, “aggravating circumstances” shall mean:

- i. That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
- ii. That a student’s presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
- iii. That a student engaged in a serious offense that is:
 - a. persistent (repeated similar behaviors are documented on the student’s disciplinary record), and
 - b. unresponsive to targeted interventions as documented through an established intervention process.

Bomb Threat

School board policy should specifically prohibit bomb threats. Other related offenses that may constitute components of a comprehensive policy include, but are not limited to, conduct involving firebombs, explosives, incendiary devices, or chemical bombs.

Threats to bomb or damage buildings and giving false information as to danger to such buildings are prohibited by § 18.2-83. of the *Code of Virginia*. Definitions of "explosive material," "fire bomb," and "hoax explosive device" are defined in § 18.2-85. of the *Code*. Bomb threats must be reported to law enforcement.

Bullying

Section [§ 22.1-276.01](#) of the *Code* defines bullying as 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. This includes cyberbullying. It does not include ordinary teasing, horseplay, argument, or peer conflict. School boards are expected to include bullying as a prohibited behavior in their student codes of conduct. Non-criminal behavior associated with bullying includes intimidation, taunting, name-calling, and insults.

Another form of bullying occurs using electronic means and is referred to as cyberbullying. Typically, cyberbullying is defined as using information and communication technologies, such as cell phone text messages and pictures, and email, social media, blogs, networking websites, defamatory personal websites, and defamatory online personal polling websites, to support deliberate, hostile, behavior intended to harm others.

Section [22.1-208.01](#) requires each school board to establish, within existing programs, a character education program; these programs are required to address the inappropriateness of bullying.

Bus-Related Offenses

School board policy should clearly communicate that rules governing student conduct apply not only at school but also on a school vehicle, while on a school-sponsored trip, and on the way to and from school, including at the bus stop. [§ 22.1-279.3:1](#).

Cheating

Cheating is not defined in the *Code of Virginia*. A student conduct policy may address cheating as a single offense or approach it as one of several offenses.

Disruptive Behavior

“Disruptive behavior” is defined in [§ 22.1-276.01](#), of the *Code* as conduct that interrupts or obstructs the learning environment. Local school board policy should cite the initial authority of teachers to remove a student from a class for disruptive behavior. The term “disruptive” describes a range of behaviors that is subjective and can reflect individual bias. Schools should define specific actions that obstruct the learning environment (yelling, making noise to distract others, wandering around the classroom, etc.) in their behavioral expectations to help ensure equity in the application of discipline responses. Policies should also outline behaviors that are classroom managed and office managed.

Dress Standards

Establishing standards for dress should involve all members of the school community. A Level 1 response is appropriate for violations of dress standards. All efforts should be made to prevent dress code violations from being viewed as instances of defiance or disruption.

Drug-Related Offenses

A school board policy, in accordance with [§ 22.1-277.08](#), of the *Code of Virginia*, shall permit, but not require, the expulsion of any student determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in [§ 18.2-247](#), onto school property or to a school sponsored activity (See Appendix A.).

A school administrator, pursuant to school board policy, or a school board may determine, based on the facts of a particular situation, that special circumstances exist, and that no disciplinary action or other disciplinary action is appropriate. By regulation, a school board may authorize the superintendent or his designee to conduct a preliminary review of such cases.

School board policy may permit or require students suspended or expelled for drug-related offenses to attend an alternative education program provided by the school board for the term of the suspension or expulsion.

Gambling

Section [18.2-325](#), of the *Code of Virginia* defines illegal gambling as the “making, placing, or receipt, of any bet or wager of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value.” A gambling device includes any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in illegal gambling operations or activity.

Gang-Related Activity

“Criminal street gang” is defined in [§ 18.2-46.1](#), of the *Code* as meaning “any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.”

Section [16.1-260.G](#) of the *Code* requires an intake officer to report to the division superintendent any student against whom a petition is filed for certain offenses including:

1. Prohibited criminal street gang activity pursuant to § 18.2-46.2.
2. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3.

Hazing

Local school board codes of student conduct, in accordance with § [22.1-279.6.B](#) of the *Code*, are required to prohibit hazing and to cite “the provisions of § 18.2-56., which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations; i.e., confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.”

Internet Use

Student conduct policy related to computer use should be developed in accordance with information provided in the [Virginia Department of Education’s Acceptable Use Policies: A Handbook](#).

In its 2006 Session, the General Assembly amended § 22.1-70.2 of the *Code* to require school divisions to add to their acceptable use policies a component on Internet safety for students that is integrated with a school division’s instructional program. (See Appendix A.)

The 2009 General Assembly amended § [22.1-279.6](#) of the *Code* to include the inappropriate “use of electronic means for purposes of bullying, harassment, and intimidation...”

Other Conduct

A school board may consider including an “other conduct” category that addresses behavior not specifically listed elsewhere. The “other conduct” should be confined to that which disrupts the educational environment or is a violation of federal, state, or local law.

Portable Communication Devices

[Section 22.1-279.6.B](#) of the *Code* authorizes school boards to regulate the use or possession of portable communication devices and establish disciplinary procedures for students violating such regulations.

Profane or Obscene Language or Conduct

School board student conduct policy, in accordance with § [22.1-279.6.C](#) of the *Code*, is required to prohibit profane or obscene language or conduct. The *Code of Virginia* does not specifically define these terms. Conduct typically prohibited under this provision includes swearing and obscene/offensive gestures, materials, and communications.

Property Violations

- Property violations include, but are not limited to, arson, destruction of property, vandalism, and theft.
- Destruction of property: § 22.1-280.4. School boards are authorized to seek reimbursement from a pupil or the pupil’s parent for any “actual loss, breakage, or destruction of or failure to return property, owned by or under the control of the school board, caused or committed by such pupil in pursuit of his studies.”
- Theft – Larceny: The wrongful taking of the property of another without the owner’s consent and with the intention of permanently depriving the owner of possession of the property.

Stalking

Stalking is defined in § [18.2-60.3](#) of the *Code of Virginia* as conduct, occurring on more than one occasion and directed at another person, that places that other person in reasonable fear of death, criminal sexual assault, or bodily injury. The 2005 General Assembly added stalking to the list of offenses that require a report to law enforcement officials (see page 78). Reports of this nature should be turned over to law enforcement for investigation.

Threats: Intimidation

Threats to kill or to do bodily harm “to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm” are specifically prohibited by § [18.2-60](#) of the *Code of Virginia*. The prohibition includes threats to any person or persons “(i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at any elementary, middle, or secondary school-sponsored event, or (iii) on a school bus....”

Section [18.2-60.B](#) of the *Code* prohibits an oral threat to kill or to do bodily injury to any employee of any elementary, middle or secondary school, while on a school bus, on school property, or at a school-sponsored activity. The 2009 General Assembly amended § [22.1-279.6](#) of the *Code of Virginia* to prohibit the “use of electronic means for purposes of bullying, harassment, and intimidation....”

Section [22.1-79.4.C](#) (Threat assessment teams and oversight committees) directs division superintendents to establish threat assessment teams for schools. The teams are to provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

Depending on local conditions, a school board may also consider including content on cultural awareness, gang awareness, and substance abuse prevention and intervention.

Self-Defense

A code of student conduct may, but is not required to, address consideration of self-defense as a factor in determining appropriate disciplinary action. Procedures for such consideration should include an opportunity for the student(s) to present the student’s version of what occurred, as well as a review of facts, involving school personnel and others as appropriate. The fact-seeking process may include students and other staff who may have witnessed the incident or have observed previous interactions between the students involved. In cases where self-defense is claimed, there may be a “history” between the students that often takes the investigation beyond looking at the single incident to examining patterns of interaction, past threats, and bullying. Information is obtained from a variety of persons, including bus drivers, custodians, teachers, other students, and parents.

School boards developing disciplinary policies including self-defense should provide criteria that define when an incident would be considered an act of self-defense. Based on the criteria used in the judicial system for a claim of self-defense to apply, the following conditions should be met. The person claiming self-defense must:

1. Be without fault in provoking or bringing on the fight or incident.
2. Have reasonably feared, under the circumstances, as they appeared to him, that he was in danger of harm.
3. Have used no more force than was reasonably necessary to protect him from the threatened harm.

A school board's policy addressing self-defense should retain a prohibition for bringing weapons of any kind to school for the purpose of self-defense and explicitly state that self-defense does not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity.

Trespassing

Trespassing upon church or school property, including school buses, is specifically prohibited by § [18.2-128](#) of the *Code of Virginia*: Any person who, without the consent of some person authorized to give such consent, goes or enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property, shall be guilty of a Class 3 misdemeanor.

Trespassing must be included in student codes of conduct per [§ 22.1-279.6](#) of the *Code of Virginia*. "Trespassing should be used to report instances of unauthorized student presence that occur outside of school hours or are deemed to have an unlawful purpose. These instances should be reported to law enforcement as they are violations of [§ 18.2-128](#) of the *Code of Virginia*."

Weapons or Other Dangerous Articles

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

Weapons violations considered for expulsion shall permit, but not require those stipulations enumerated in the *Code of Virginia* [§ 18.2-308.1](#), and in the federal *Gun-Free Schools Act*. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

Carrying, bringing, using, or possessing dangerous instruments in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity on or off school property is grounds for disciplinary action. Dangerous instruments, for example, may include letter openers, screwdrivers, hammers, hatchets, and other devices that could be used to inflict harm upon another person. Not subject to mandatory expulsion is possession of a knife that is customarily used for food preparation or service and is possessed by the student for the sole purpose of personal food preparation and service.

Weapons-Related Offenses

School board policy, in accordance with [§ 22.1-277.07](#) of the *Code of Virginia*, permits, but does not require, expulsion of any student determined to possess a firearm, destructive device, a firearm muffler or firearm silencer, or a pneumatic gun on school property or at a school-sponsored activity (See Appendix A.). Definitions of "firearm," "destructive devices," and "pneumatic gun" are set forth in [§ 22.1-277.07.E](#) of the *Code*, and are consistent with the federal *Gun-Free Schools Act*. A copy of this Act is included as Appendix E.

This prohibition does not apply to Junior Reserve Officers Training Corps (JROTC) programs or to the possession of firearms as part of the curriculum or other programs sponsored by the schools or other organization permitted by the school to use its premises.

A school administrator, pursuant to school board policy, or a school board may determine, based on the facts of a particular situation, that special circumstances exist, and that no disciplinary action or

another disciplinary action is appropriate. A school board may, by regulation, authorize the division superintendent or designee to conduct a preliminary review of such cases.

A school board policy may permit or require students suspended or expelled for weapons-related offenses to attend an alternative education program provided by the school board for the term of the suspension or expulsion.

APPENDIX A: RELATED POLICY AND CODE ISSUES

The relationship of the student conduct policy to other related local policies, rules, and regulations should be explicitly stated. Other related local policies may include, but are not limited to, those governing student searches, bullying, drug testing, attendance, transfer students, discipline of students with disabilities and threat assessments. Relevant sources such as federal and state regulations and guidance may be cross-referenced.

Reporting of Certain Offenses to Superintendents or Designee and to Law Enforcement Authorities

Local school board policy must provide for notification of the Superintendent or designee in accordance with [§ 22.1-279.3:1.A.](#) of the *Code of Virginia*. [§ 22.1-279.3:1.D.](#) requires principals to immediately report to the local law enforcement agency any act enumerated in clauses (ii) through (vii) of § 22.1-279.3:1.A. that may constitute a criminal offense. A principal may report to the local law enforcement agency any incident described in clause (i) of subsection A. When there is injury, reporting is mandatory. Local board policy may require reporting of incidents not listed here to the Superintendent or designee.

However, nothing in § 22.1-279.3:1.D. shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through leveled sanctions or educational programming before a delinquency charge is filed with the juvenile court.

§ 22.1-279.3:1.A. of the *Code of Virginia* lists offenses that require reporting to the Superintendent or designee as stated below:

- i. The assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- ii. The assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- iii. Any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- iv. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
- v. The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property;
- vi. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- vii. Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or

- viii. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefore.

The superintendent of the school division must also report these incidents to the Department of Education in accordance with [§ 22.1-279.3:1.C.](#) of the *Code of Virginia*. Incidents reported to the Department of Education annually must accurately indicate any offenses, arrests, or charges as recorded by law enforcement authorities. Effective since the 2005-2006 school year, compliance with this requirement is documented in the annual discipline report.

The principal or designee must also notify the parent of any student involved in the incidents listed above, as well as incidents committed by students enrolled at the school if the offense would be a felony if committed by an adult, regardless of where the offense is committed, or would be a violation of the *Drug Control Act* if it occurs on a school bus, school property, or at a school-sponsored activity [§ 22.1-279.3:1.B. and C.]. The 2005 General Assembly amended § 22.1-279.3:1.D. to require that principals notify parents that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

Whenever a student commits a reportable incident named in the *Code of Virginia*, the student shall be required to participate in prevention and intervention activities as determined appropriate by the superintendent or designee (§ 22.1-279.3:1.C.). A school board may require reporting of other offenses. This determination is best made in consultation with local school and law enforcement officials.

Notification of Parental Responsibilities and Involvement

A local school board policy must provide for notification of parental responsibilities in accordance with [§ 22.1-279.3.](#) of the *Code of Virginia* that sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance.

Within one calendar month of the opening of school, school boards are required to send the parents of each enrolled student (i) a notice of parental responsibilities; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials must include a notice to the parents that, by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth. The notice also informs a parent of the right to express disagreement with a school's or school division's policies or decisions. A school board's policy should address documentation of receipt of materials, the conditions for requiring parent involvement, and criteria/steps for proceeding against parents in juvenile and domestic relations court for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance.

Admission of Students Suspended or Expelled from another School Division or a Private School

Section [22.1-277.2.](#) of the *Code of Virginia* authorizes the exclusion of a student suspended or expelled from another school division or a private school upon a finding that the student presents a danger to the other students or staff of the school division. This action is permitted after:

- Written notice to the student and student's parent that the student may be subject to exclusion, the reasons therefore, and, in the event of such exclusion, the right to appeal the decision at a hearing before the school board or a committee thereof; and

- Review of the case by the division superintendent or designee and a recommendation of exclusion.

In cases where the suspension is for more than 30 days, the term of the exclusion may not exceed the duration of such suspension.

In cases of expelled students, the local school board may accept or waive any or all of any conditions for readmission imposed upon such a student by the expelling school board, but may not impose additional conditions for readmission to school.

A school board policy should cite the authority to exclude such students and establish procedures in accordance with [§ 22.1-277.2](#) of the *Code of Virginia*. A school board may, but is not required to, permit students excluded to attend an alternative education program provided by the school board for the term of such exclusion.

Access to Certain Juvenile Records the Code of Virginia

Section [16.1-300](#) of the *Code of Virginia* governs the confidentiality of Department of Juvenile Justice records of children who have been before a juvenile court, under probation supervision, received services from a court service unit, or who are committed to the Department of Juvenile Justice. In its 2006 Session, the General Assembly specified that a school administration is among the entities that may have access to these records by order of the court when they are deemed to have a legitimate interest in the case or the juvenile.

Related Sections, Regulations, and Guidelines of the Code of Virginia

Standards of Quality

[Section 22.1-253.13:7](#) of the *Code of Virginia*

Standards of Accreditation

[8 VAC 20-131-210](#) Role of the Principal

[8 VAC 20-131-260](#) Facilities and Safety

LAWS REGARDING THE PROSECUTION OF JUVENILES AS ADULTS

The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults as referenced in section [22.1-279.4](#) of the Code of Virginia:

School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to [§ 22.1-279.3](#).

The following information in question and answer format provides the notice required by this section of the *Code*.

Who is a juvenile? Section [16.1-228](#) of the Code of Virginia defines a juvenile as “a person less than 18 years of age.” Section [16.1-269.1](#) of the Code permits juveniles, 14 years of age or older at the time of an alleged offense, to be prosecuted as adults for specific crimes under certain circumstances. This process is called a transfer to the appropriate circuit court for trial as an adult.

How is the age of the juvenile calculated? Section [16.1-241](#) of the Code of Virginia provides that for the purpose of transferring a juvenile to circuit court for trial as an adult, the child must have been age 14 or older at the time of the offense.

Under what circumstances does the law permit the transfer of juveniles for trial as adults?

The Code of Virginia permits the transfer of juveniles for trial as adults under three specific circumstances. Following is a description of each circumstance and the procedure that is followed in order to determine whether the student is transferred to circuit court.

Circumstance #1

A transfer can occur when a juvenile, who is age 14 or older at the time of the offense, is charged with a crime which would be a felony if committed by an adult (§ 16.1-269.1 A. of the Code of Virginia). Offenses are either felonies or misdemeanors. Those offenses that are punishable by confinement in a state correctional facility or death are felonies; all other offenses are misdemeanors. Felonies are classified for the purposes of punishment and sentencing into six classes. The authorized punishments for conviction of a felony are as follows:

- Class 1 felony – death if the person convicted was 18 years of age or older at the time of the offense and is not determined to be mentally retarded and a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be mentally retarded, the punishment shall be imprisonment for life and a fine of not more than \$100,000.
- Class 2 felony – imprisonment for life or for any term not less than twenty years or and a fine of Not more than \$100,000.
- Class 3 felony – a term of imprisonment of not less than five years nor more than twenty years and a fine of not more than \$100,000.
- Class 4 felony – a term of imprisonment of not less than two years nor more than ten years and a fine of not more than \$100,000.
- Class 5 felony – a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- Class 6 felony – a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

(§§ [18.2-9](#) and [18.2-10](#) of the *Code of Virginia*)

In this circumstance, the Commonwealth’s Attorney’s office makes a formal request to the judge of the juvenile court for the juvenile to be transferred to the circuit court. The juvenile court holds a transfer hearing and may retain jurisdiction or transfer the juvenile to the appropriate circuit court for criminal proceedings. Any transfer to the circuit court is subject to the following conditions: (1) notice; (2) probable cause to believe that the juvenile committed the alleged delinquent act or a lesser included delinquent act; (3) the juvenile is competent to stand trial; and, (4) the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The decision regarding whether the juvenile is not a proper person to remain within the jurisdiction of the juvenile court is based upon, but not limited to, the following factors:

- The juvenile's age;
- The seriousness and number of alleged offenses;
- Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;
- The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems needed by the juvenile;
- The record and previous history of the juvenile in the jurisdiction where the alleged crime occurred or in other jurisdictions;
- Whether the juvenile has escaped from a juvenile correctional entity in the past;
- The extent, if any, of the juvenile's degree of mental retardation or mental illness;
- The juvenile's school record and education;
- The juvenile's mental and emotional maturity; and
- The juvenile's physical condition and maturity.

Circumstance #2

A transfer can occur when a juvenile 14 years of age or older is charged with an offense which would be a felony if committed by an adult. (§ [16.1-269.1 C](#) of the *Code of Virginia*)

In this circumstance, transfer is requested at the discretion of the Commonwealth's Attorney. If the Commonwealth's Attorney wishes to transfer the juvenile for trial as an adult, the juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ [16.1-269.1 C](#) of the *Code of Virginia*)

Circumstance #3

A transfer occurs when a juvenile 14 years of age or older at the time of the alleged offense is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding. (§ [16.1-269.1 B](#) of the *Code of Virginia*)

Transfer under this circumstance is automatic. Whenever a juvenile 14 years of age or older is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding, he or she must be tried as an adult. The juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ [16.1-269.1 B](#) of the *Code of Virginia*)

If a juvenile is transferred for prosecution as an adult on one offense, what happens if he or she has also been charged with other offenses? If any one charge is transferred, all other charges of delinquency arising out of the same act will be transferred. (§ [16.1-269.6](#) of the *Code of Virginia*)

Does the transfer impact subsequent alleged criminal offenses? Yes. Once a juvenile is convicted of a crime as an adult in circuit court, all subsequent alleged criminal offenses of whatever nature, will be treated as adult offenses and no transfer hearing will be required. (§ [16.1-269.6](#) of the *Code of Virginia*)

What happens when an adult is sentenced for a crime he or she committed as a juvenile?

When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense which would be a crime if committed by an adult, the court may impose a penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. ([§ 16.1-284](#) of the Code of Virginia)

What can happen if a juvenile is tried as an adult? There are significant differences between a juvenile being tried as a juvenile and a juvenile being tried in the circuit court as an adult. In the juvenile system, a juvenile is given added protections because of his or her youth. First, records pertaining to the charge and adjudication of delinquency are confidential and may not be available to the public unless the crime was a felony. Second, if the adjudication is for a misdemeanor, the juvenile court record is expunged when the juvenile reaches the age of majority and is considered an adult. Third, a juvenile who is adjudicated delinquent remains in the juvenile system where a judge has discretion in the determination of the punishment or consequences to be imposed. In the juvenile system, the emphasis is on treatment and education.

In contrast, if a juvenile is prosecuted as an adult the issues and information related to the charge and the conviction of a crime are part of the public record. When the juvenile reaches the age of 18, because the information becomes an adult criminal record, it is not expunged. Additionally, the judge does not have the same discretion in sentencing. The judge in circuit court must impose at least the mandatory minimum sentence that is prescribed in sentencing guidelines. The circuit court does have the discretionary power to commit the juvenile to the juvenile system even if prosecuted as an adult.

Should you have any questions or concerns, please feel free to contact your school administrator, the Bedford County Public Schools Safety and Security Office, or a School Resource Officer.

APPENDIX B: DISCIPLINE OF STUDENTS WITH DISABILITIES

Students with Disabilities under Individuals with Disabilities Education Act (IDEA)

The Bedford County Public Schools recognize the right of each student with a disability to a free appropriate public education. Students identified as disabled are expected to follow the rules as outlined in the *Code of Student Conduct*. The dispositions, however, may vary as disciplinary actions for children with disabilities invoke the procedural protection of the Individuals with Disabilities Education Act (IDEA-2004) and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. Administrators should consider any unique and special circumstances on a case-by-case basis when determining whether to order or change a placement for a child with a disability as a result of discipline.

If the behavior associated with the identification of a child with a disability impedes the child's learning or that of others, the Individualized Educational Program (IEP) team shall consider the use of positive behavioral interventions, strategies, and supports to address the behavior. The IEP team shall consider:

1. Developing goals and services specific to the child's behavioral needs
2. Conducting a functional behavioral assessment (FBA) and determining the need for or developing a behavioral intervention plan (BIP) to address the child's behavioral needs.

Students with disabilities may have behavioral needs not associated with the identified disability and the FBA/BIP would be conducted by other school planning teams in consultation with required IEP team members.

I. Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern are Long Term Removals and Considered a Disciplinary Change in Placement

For the purpose of removing students with disabilities from their current educational placements, a disciplinary change in placement occurs when:

1. the removal is for more than 10 consecutive school days at a time; or
2. Pattern analysis: there is a series of removals during the school year, each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of:
 - a. the length of each removal,
 - b. the proximity of the removals to each other,
 - c. the total time the student is removed, and
 - d. the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year.
3. The pattern analysis determination is made and documented by the administration.

If the disciplinary action will result in a long term removal, the student's parents must be sent notice of the recommendation of discipline the same day as the decision is made for the disciplinary change in placement and must be provided with a copy of the IDEA procedural safeguards. The procedures outlined in Section IV must also be followed.

A parent may request a due process hearing to challenge the pattern analysis determination. For any disciplinary change in placement, a Manifestation Determination Review (“MDR”) must be held and the Individualized Education Program (IEP) team must meet to determine the educational services to be provided during the long-term removal.

II. Short-Term Suspensions

A short-term suspension is a suspension of 10 consecutive days or less at a time.

School administrators may remove a student with a disability from his or her current educational setting for 10 school days cumulative in a school year to the extent that such removals would be applied to students without disabilities and for additional short-term suspensions during the school year provided no pattern exists. Short term suspensions which constitute a pattern will be handled through long term removal procedures.

No MDR or IEP meeting is required for a short term removal, although an IEP meeting may be held if needed. Educational services are provided for each day of removal after the first ten days of removal in a school year and are determined by the IEP team. Educational services should also be provided during the first ten days of removal if services are provided to a student without disabilities in the same circumstances.

III. Functional Behavior Assessments and Behavior Intervention Plans

If the MDR team members determine that a manifestation exists, the IEP team must:

1. conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,
2. if the student already has an FBA and a BIP in place, review and modify the BIP, as necessary to address the behavior.

If a manifestation is found, the school division and the parent may still agree to a change in placement made through the IEP process. Without this agreement, the student must return to the placement from which the student was removed. Nothing in this section limits the authority of the school division for the first ten days of removal in a school year or for applicable forty-five school day removals.

If the MDR team members determine that there is no manifestation, then the IEP team should decide whether there is a need to conduct or review an FBA and BIP.

IV. Educational Services While Disciplined

For the first 10 days of removal in a school year, the School Board is not required to provide educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed.

After the first 10 days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to:

1. continue to progress in the general curriculum, although in another setting, and
2. make progress toward meeting the goals set out in the student’s IEP.

The determination of the educational services is made by the IEP team if the discipline constitutes a change in placement. For a short term removal which is not a change in placement, the determination of the education services is made by school personnel in consultation with the student's special education teacher.

V. Manifestation Determination Review

When a disciplinary action is proposed that will result in a disciplinary change of placement, an MDR shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which consists of a local educational agency representative, the parent(s) and relevant members of the IEP team (as determined by the parent and the school division).

The Manifestation Team may determine that the behavior of the student was not a manifestation of such child's disability only if the Team:

1. considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and
2. determines that:
 - a. the conduct in question was not caused by, or did not have a direct and substantial relationship to, the student's disability; and
 - b. the conduct in question was not the direct result of the school division's failure to implement the IEP.

VI. Disciplinary Action Following an MDR Determination that there is No Manifestation

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to students without disabilities. The student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the imposition of discipline.

A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. During any appeal, the student will remain in the interim alternative education setting unless reversed by decision of the hearing officer; provided, however, the student may still serve the balance of any applicable forty-five school day removal. The placement may also be changed through the IEP process with the consent of the parent.

VII. Disciplinary Action Following MDR Determination that there is a Manifestation

A student with a disability whose behavior is determined to be a manifestation of his or her disability may not be disciplined except to the extent a removal is otherwise permitted by law. The student may be removed to a more restrictive placement by following change in placement procedures through the IEP process. The IEP team must conduct or review an FBA and/or BIP as provided in Section III.

VIII. Interim Alternative Educational Settings for Weapons, Drugs and Infliction of Serious Bodily Injury

Students with disabilities

1. who carry or possess a weapon to or at school, or on school premises, or to or at a school function under the jurisdiction of a state or local educational agency;
2. who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or
3. who inflict serious bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to Policies JFCD Weapons in School, JFCF Drugs in School or JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury and may be placed in an interim alternative educational setting for up to forty-five school days. These options are available even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Weapons, controlled substance and serious bodily injury have the meaning given under state regulations in 8 VAC 20-81-10.

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, an FBA, behavioral intervention services and modifications designed to address the behavior so it does not recur.

IX. Change of Placement by Hearing Officer

In addition to the other options for removal, a hearing officer through an expedited due process hearing requested by the school division, may order a change in the placement for a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such student is substantially likely to result in injury to the student or others. Additional forty-five (45) school day removals may be authorized by the hearing officer as appropriate.

X. Placement During Appeals

During the course of any appeals, the student's placement shall be in accordance with the provisions of state and federal law unless the parent and the school division agree otherwise. Students with disabilities are also entitled to the due process rights available to a non-disabled student who is subject to discipline. In addition, students with disabilities are entitled to the due process procedures available under the Individuals with Disabilities Education Act, as amended, and any state procedures.

XI. Students Not Yet Identified as Disabled

Students for whom the parents assert there is a disability but who have not yet been identified as disabled may be subjected to the same measures applied to students without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. The school division will be found to have knowledge of the student's disability if, before the behavior that precipitated the disciplinary action occurred, one of the following occurred:

1. the parent expressed concern in writing to supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or
2. the parent requested an evaluation of the student for special education eligibility; or
3. the student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the school division that suggests the presence of a disability.

The school division would not be found to have knowledge of a student's disability if:

1. the parents refused to allow an evaluation of the student or refused special education services;
2. the student was evaluated and found not eligible for special education services; or
3. The request for evaluation of the student for special education eligibility has been reviewed through child study procedures and refused through prior written notice.

If a request for an initial evaluation is made during the period a student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school administrators which placement can include suspension or expulsion without services.

XII. Disciplining Certain Section 504 Students Who Violate Alcohol and Drug Policies

Students who are identified as disabled solely under Section 504 of the Rehabilitation Act, and who are currently engaging in the illegal use of drugs or alcohol, may be disciplined for violating the division's alcohol and drug policies to the same extent as non-disabled students. The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students.

XIII. Reporting of Crimes

Nothing in these procedures prevents the reporting of a crime to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities.

STUDENTS WITH DISABILITIES UNDER SECTION 504

School personnel may remove a child with a disability from school for not more than ten (10) cumulative school days in a school year to the same extent a removal is applied to a student without a disability. If a series of short-term removals exceeds 10 days, then a pattern analysis will be

conducted by school personnel. That pattern analysis will include consideration of the length of each removal, the proximity of the removals to each other, the total time the student is removed, and whether the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year. If a pattern of behavior does not exist, discipline will proceed as recommended and educational services will continue to the extent they are provided for non-disabled students.

A series of short-term removals in excess of ten days that are determined to be a pattern of removals or a long-term removal (more than 10 days at a time) are considered a significant change in placement and require a manifestation determination review (MDR).

When a long-term removal of a student with a Section 504 Plan is being considered or a pattern or short-term removals exists, the student's Section 504 team should convene to evaluate the relationship between the student's disability and misbehavior in order to determine whether the misbehavior was a manifestation of the student's disability. Team members should have available current information from a variety of sources that will give them an understanding of the student's disability.

The following procedures apply to qualified students receiving Section 504 services who are involved in disciplinary incidents.

The behavior will be considered a manifestation of the student's disability if:

- a. The conduct was caused by or had a direct and substantial relationship to the student's disability; or
- b. The conduct was the direct result of the school division's failure to implement the student's Section 504 Plan.

The team's determinations should be documented in writing and provided to the student's parent(s) along with a copy of the Section 504 procedural safeguards.

Exceptions:

- a. A qualified student who currently is engaging in the illegal use of drugs or in the illegal use of alcohol may be removed from his/her educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against nondisabled students.
- b. In such an instance, no Section 504 evaluation, MDR, or impartial hearing is available to the student nor is it required. Educational services will be provided only to the same extent as they are to nondisabled students following such disciplinary action.

If the team determines that the misconduct was not a manifestation of the disability, the school may impose whatever removal it would impose under the same circumstances if a student without disability were the offender. The school is not required to provide educational services to a Section 504 student during this period of removal, unless such services are not provided to students without disabilities during such removals.

If it is determined that the conduct is a manifestation of the child's disability, the appropriateness of the child's placement and program must be reassessed by the 504 team and/or eligibility committee as appropriate. Discipline dispensations will be guided by the manifestation determination unless an exception applies.

Excerpt from *The Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, effective 2010, (the Virginia Regulations).

8VAC20-81-160. Discipline procedures.

A. General. (§ 22.1-277 of the *Code of Virginia*; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))

1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the *Code of Virginia* and the local educational agency's disciplinary policies and procedures.
2. In the event that the child's behavior impedes the child's learning or that of others, the IEP Team shall consider the use of positive behavioral interventions, strategies, and supports to address the behavior. The IEP Team shall consider either:
 - a. Developing goals and services specific to the child's behavioral needs; or
 - b. Conducting a functional behavioral assessment and determining the need for a behavioral intervention plan to address the child's behavioral needs.
3. School personnel may consider any unique circumstances on a case-by-case basis when deciding whether or not to order a change in placement for a child with a disability that violates a code of student conduct.
 - a. In reviewing the disciplinary incident, school personnel may review the child's IEP and any behavioral intervention plan, or consult with the child's teacher(s) to provide further guidance in considering any unique circumstances related to the incident.
 - b. School personnel may convene an IEP Team for this purpose.

B. Short-term removals.

1. A short-term removal is for a period of time of up to ten consecutive school days or ten cumulative school days in a school year. (34 CFR 300.530(b))
 - a. School personnel may short-term remove a child with a disability from the child's current educational setting to an appropriate interim alternative educational setting, another setting, or suspension, to the extent those alternatives are applied to a child without disabilities.
 - b. Additional short-term removals may apply to a child with a disability in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. If the short-term removals constitute a pattern, the requirements of subsection C of this section apply.
 - c. The local educational agency determines when isolated, short-term removals for unrelated instances of misconduct are considered a pattern.
 - d. These removals only constitute a change in placement if the local educational agency determines there is a pattern.
2. Services during short-term removals.

- a. The local educational agency is not required to provide services during the first ten school days in a school year that a child with a disability is short-term removed if services are not provided to a child without a disability who has been similarly removed. (34 CFR 300.530(b)(2))
- b. For additional short-term removals, which do not constitute a pattern, the local educational agency shall provide services to the extent determined necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals of the student's IEP. School personnel, in consultation with the student's special education teacher, make the service determinations. (34 CFR 300.530(b)(2))
- c. For additional short-term removals that do not constitute a pattern, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and division wide assessment programs in accordance with the provisions of subdivision 4 of 8VAC20-81-20. (20 USC § 1412(a) (16) (A))

C. Long-term removals.

- 1. A long-term removal is for more than ten consecutive school days (34 CFR 300.530; 34 CFR 300.536); or
- 2. The child has received a series of short-term removals that constitutes a pattern:
 - a. Because the removals cumulate to more than ten school days in a school year;
 - b. Because the child's behavior is substantially similar to the child's behavior in previous incidents that results in a series of removals; and
 - c. Because of such additional factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
- 3. The local educational agency determines on a case-by-case basis whether a pattern of removals constitutes a change in placement. This determination is subject to review through due process and judicial proceedings. (34CFR 300.530(a) and (b) and 34 CFR 300.536)
- 4. On the date on which the decision is made to long-term remove the student because of a violation of a code of student conduct, the local educational agency shall notify the parent(s) of the decision and provide the parent(s) with the procedural safeguards. (34 CFR 300.530(h))
- 5. Special circumstances. (34 CFR 300.530(g))
 - a. School personnel may remove a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if:
 - (1) The child carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education; or
 - (2) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education; or

(3) The child inflicts serious bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education.

b. For purposes of this part, "weapon," "controlled substance," and "serious bodily injury" have the meaning given the terms under 8VAC20-81-10.

6. Services during long-term removals.

a. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to: (34 CFR 300.530(d))

(1) Continue to receive educational services so as to enable the student to continue to participate in the general educational curriculum, although in another setting;

(2) Continue to receive those services and modifications including those described in the child's current IEP that will enable the child to progress toward meeting the IEP goals; and

(3) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

b. For long-term removals, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and division wide assessment programs in accordance with the provisions of sub-division 4 of 8VAC20-81-20. (20 USC § 1412(a)(16)(A))

c. The IEP Team determines the services needed for the child with a disability who has been long-term removed. (34CFR 300.530(d)(5) and 34 CFR 300.531)

D. Manifestation determination. (34 CFR 300.530(c), (e), (f), and (g))

1. Manifestation determination is required if the local educational agency is contemplating a removal that constitutes a change in placement for a child with a disability who has violated a code of student conduct of the local educational agency that applies to all students.

2. The local educational agency, the parent(s), and relevant members of the child's IEP Team, as determined by the parent and the local educational agency, constitute the IEP Team that shall convene immediately, if possible, but not later than ten school days after the date on which the decision to take the action is made.

3. The IEP Team shall review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent(s).

4. The IEP Team then shall determine the conduct to be a manifestation of the child's disability:

a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

b. If the conduct in question was the direct result of the local educational agency's failure to implement the child's IEP.

5. If the IEP Team determines that the local educational agency failed to implement the child's IEP, the local educational agency shall take immediate steps to remedy those deficiencies.

If the IEP Team determines that the child's behavior was a manifestation of the child's disability:

- a. The IEP Team shall return the child to the placement from which the child was removed unless the parent and the local educational agency agree to a change in placement as part of the modification of the behavioral intervention plan. The exception to this provision is when the child has been removed for not more than 45 school days to an interim alternative educational setting for matters described in subdivision C. 5. a. of this section. In that case, school personnel may keep the student in the interim alternative educational setting until the expiration of the 45-day period.

- (1) Conduct a functional behavioral assessment, unless the local educational agency had conducted this assessment before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan for the child.

- (a) A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP Team.

- (b) If the IEP Team determines that the functional behavioral assessment will include obtaining new testing data or evaluation, then the parent is entitled to an independent educational evaluation in accordance with 8VAC20-81-170 B if the parent disagrees with the evaluation or a component of the evaluation obtained by the local educational agency; or

- (2) If a behavioral intervention plan already has been developed, review this plan, and modify it, as necessary, to address the behavior.

6. If the IEP Team determines that the child's behavior was not a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except that services shall be provided in accordance with subdivision C. 6. a. of this section.

E. Appeal. (34 CFR 300.532(a) and (c))

1. If the child's parent(s) disagrees with the determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement under these disciplinary procedures, the parent(s) may request an expedited due process hearing.
2. A local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others may request an expedited due process hearing.
3. The local educational agency is responsible for arranging the expedited due process in accordance with the Virginia Department of Education's hearing procedures at 8VAC20-81-210.
 - a. The hearing shall occur within 20 school days of the date the request for the hearing is filed.
 - b. The special education hearing officer shall make a determination within ten school days after the hearing.

- c. Unless the parent(s) and the local educational agency agree in writing to waive the resolution meeting, or agree to use the mediation process,
 - (1) A resolution meeting shall occur within seven calendar days of receiving the request for a hearing.
 - (2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the request for a hearing.
- d. The decisions on expedited due process hearings are appealable consistent with 8VAC20-81-210.

F. Authority of the special education hearing officer. (34 CFR 300.532(a) and (b))

- 1. A local educational agency may request an expedited due process hearing under the Virginia Department of Education's due process hearing procedures to effect a change in placement of a child with a disability for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the local educational agency believes that the child's behavior is substantially likely to result in injury to self or others.
- 2. The special education hearing officer under 8VAC20-81-210 may:
 - a. Return the child with a disability to the placement from which the child was removed if the special education hearing officer determines that the removal was a violation of subsections C and D of this section, or that the child's behavior was a manifestation of the child's disability; or
 - b. Order a change in the placement to an appropriate interim alternative educational setting for not more than 45 school days if the special education hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the student or others.
- 3. A local educational agency may ask the special education hearing officer for an extension of 45 school days for the interim alternative educational setting of a child with a disability when school personnel believe that the child's return to the regular placement would result in injury to the student or others.

G. Placement during appeals. (34 CFR 300.533)

- 1. The child shall remain in the interim alternative educational setting pending the decision of the special education hearing officer, or
- 2. Until the expiration of the time for the disciplinary period set forth in this section, whichever comes first, unless the parent and the local educational agency agree otherwise.

H. Protection for children not yet eligible for special education and related services.

(34 CFR 300.534)

- 1. A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct of the local educational

agency may assert any of the protections provided in this chapter if the local educational agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

2. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:
 - a. The parent(s) of the child expressed concern in writing (or orally if the parent(s) does not know how to write or has a disability that prevents a written statement) to school personnel that the child is in need of special education and related services;
 - b. The parent(s) of the child requested an evaluation of the child to be determined eligible for special education and related services; or
 - c. A teacher of the child or school personnel expressed concern about a pattern of behavior demonstrated by the child directly to the director of special education of the local educational agency or to other supervisory personnel of the local educational agency.
3. A local educational agency would not be deemed to have knowledge that a child is a child with a disability if:
 - a. The parent of the child has not allowed a previous evaluation of the child or has refused services; or
 - b. The child has been evaluated in accordance with [8VAC20-81-70](#) and [8VAC20-81-80](#) and determined ineligible for special education and related services.
4. If the local educational agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures applied to a child without a disability who engages in comparable behaviors.
5. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this section, the evaluation shall be conducted in an expedited manner.
 - a. Until the evaluation is completed, the child remains in the educational placement determined by the school personnel, which can include suspension or expulsion without educational services.
 - b. If the child is determined to be a child with a disability, taking into consideration information from the evaluations conducted by the local educational agency and information provided by the parent(s), the local educational agency shall provide special education and related services as required for a child with a disability who is disciplined.

I. Referral to and action by law enforcement and judicial authorities. (34 CFR 300.535)

1. Nothing in this chapter prohibits a local educational agency from reporting a crime by a child with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability to the extent such action applies to a student without a disability.
2. In reporting the crime, the local educational agency shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the

appropriate authorities to whom school personnel report the crime. Transmission of such records shall be in accordance with requirements under the Management of the Student's Scholastic Record in the Public Schools of Virginia (8VAC20-150).

J. Information on disciplinary actions. (34 CFR 300.229)

1. The Virginia Department of Education requires that local educational agencies include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.
2. Local educational agencies are responsible for transmitting the statement to the Virginia Department of Education upon request to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.
3. The statement may include:
 - a. A description of any behavior engaged in by the child who required disciplinary action;
 - b. A description of the disciplinary action; and
 - c. Any other information that is relevant to the safety of the child and other individuals involved with the child.
4. If the child transfers from one school to another, the transmission of any of the child's records shall include the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.

APPENDIX C: GUN FREE SCHOOL REQUIREMENTS

Link: [20 USC 7961: Gun-free requirements](#)

§7961. Gun-free requirements

(a) Short title

This subpart may be cited as the "Gun-Free Schools Act".

(b) Requirements

(1) In general

Each State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) Construction

Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) Definition

For the purpose of this section, the term "firearm" has the same meaning given such term in section 921(a) of title 18.

(c) Special rule

The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(d) Report to State

Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any subchapter of this chapter shall provide to the State, in the application requesting such assistance-

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including-

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of firearms concerned.

(e) Reporting

Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) Definition

For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) Exception

Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) Policy regarding criminal justice system referral

(1) In general

No funds shall be made available under any subchapter of this chapter to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) Definition

For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921(a) of title 18.

(Pub. L. 89-10, title VIII, §8561, formerly title IV, §4141, as added [Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1762](#); renumbered title IX, §9551, renumbered title VIII, §8561, [Pub. L. 114-95, title IV, §4001\(a\)\(2\)\(A\), \(B\), \(D\), title VIII, §8001\(a\)\(8\), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.](#))

Signature Required on This Sheet



TECHNOLOGY USE GUIDELINES AGREEMENT - Student and Parent/Guardian

Parents of minors are required to sign this Agreement before any student will be granted permission to use the Bedford County Public Schools' Computer System. Students are required to sign the agreement as an indication they understand the rules and regulations of the Technology Use Guidelines BY STUDENTS Policy. Read this Agreement carefully before signing.

If you have any questions about this policy or regulation, contact your school principal.

I understand and agree to abide by the Bedford County Public Schools' Technology Use Guidelines Policy and Regulation. I understand that BCPS may access and monitor my use of the Computer System, including my use of the Internet, email and downloaded material, without prior notice to me. I further understand that should I violate the Technology Use Guidelines or Regulation, my Computer System privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student name: _____ Student signature _____ Date _____

I have read this Agreement and Policy/Regulation. I understand that access to the Computer System is intended for educational purposes, and the Bedford County Public Schools has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for BCPS to restrict access to all inappropriate material, and I will not hold BCPS responsible for information acquired on the Computer System. I have discussed the terms of this agreement, policy and regulation with my child. I grant permission for my child to use the Computer System and for BCPS to issue an account for my child.

Parent name: _____ Parent signature: _____ Date: _____

Signature Required on This Sheet



ANTI-BULLYING PLEDGE

Ensuring student safety and creating a positive learning environment are two of Bedford County Public Schools top priorities. The school system seeks to maintain high behavioral expectations of all students in order to send a clear message to all students, parents, and community members that all schools are safe places and will not tolerate inappropriate behaviors including bullying.

Bullying is defined as 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. Cyber bullying is the use of electronic media (including but not limited to the following devices: email, social media, peer to peer media, audio and/or video footage, texting) to support deliberate, repeated, and hostile behavior by an individual or group with the intention of physically or psychologically intimidating others.

Everyone should enjoy school equally and feel safe and accepted, regardless of popularity, athletic ability, school performance, family circumstances, gender, political affiliation, sexual orientation, race, and/or religion. In signing this pledge, you, as a student, agree to:

- Value student differences and treat others with respect
- Not become involved in acts of bullying, even as bystanders
- Be aware of all forms of bullying and make sure actions are not aggressive or hurtful
- Pay attention to this school’s effort to end bullying
- Pay attention in places in the school where there is less supervision
- Use friendships to help and not hurt others
- Support others who have been bullied or have bullied to find ways to help themselves
- Report honestly and immediately incidents of bullying
- Be a good role model for other students in school and help if signs of bullying begin
- Talk with teachers and parents regularly if bullying is affecting your life

SIGNATURE

DATE

Signature Required on This Sheet



Acknowledgement of Receipt and Review of 2023-2024

Bedford County Public Schools Code of Student Conduct

This form is for parents/legal guardians of all students enrolled in Bedford County Public Schools to ensure they have received and reviewed the Code of Student Conduct. As a part of the Code of Student Conduct, and to meet state law requirements, a copy of the compulsory school attendance law and a copy of the parental responsibility law have also been included. It is essential that the school, students, and parents work together to ensure that all students meet the high expectations for behavior established in the Code of Student Conduct. Meeting these high expectations for behavior will enable students to succeed in the school and in the community. Since the Code of Student Conduct is so important to students' success, there will be periodic reviews throughout the year by teachers, administrators, and school counselors. Parental support and review of this document with their children is also vital to their children's success. After you have reviewed the Code of Student Conduct with your child, please sign and return the signed form to the school.

Student's Name (Please Print) _____

Date of Birth _____ Grade _____ Homeroom Teacher _____

As the parent/guardian of the student named above, I verify that I have read and discussed the Code of Student Conduct with my child. By signing this statement of receipt, I do not waive, but expressly reserve, my rights protected by the Constitution or laws of the United States or Virginia. I retain the right to express disagreement with a school's or school division's policies or decisions. I understand that the Code of Student Conduct and the policies it references apply to all students at all times on all Bedford County Public Schools property, including in school buildings and on school grounds; in all school vehicles, and at all school, school-related, or Board-sponsored activities, including but not limited to, school field trips and school sporting events, whether such activities are held on school property or at locations off school property, including private business or commercial establishments; and going to and returning from school.

Print Parent/Legal Guardian _____

Signature of Parent/Legal Guardian _____ Date _____

Signature of Student _____ Date _____