

Culpeper County Public Schools

Student Code of Conduct

2020-2021



Student Code of Conduct (*Policy JFC-BR1*)

Philosophy and Purpose

The Culpeper County Public Schools Code of Conduct has been formulated in order to encourage good citizenship by students and to discourage conduct that disrupts the learning environment of the school or that adversely affects the health and welfare of the students, staff and visitors. It is also meant to ensure that parents, students, and school personnel understand their responsibilities in regard to student conduct and to standardize procedures that will be used in responding to specific disciplinary problems. Every student has a right to a quality education in an environment that is conducive to learning and free of disruption. Conversely, every student has the responsibility to afford that right to others.

This section generally describes the more obvious types of misconduct, but should not be construed as an exclusive list or as a limitation upon the authority of the School Board or school officials to deal with types of conduct which interfere with the proper functioning of the schools. Any behavior which threatens or jeopardizes safety, order, or the rights of others is considered to be in violation of the Culpeper County Public Schools' Code of Conduct. Policies and references within the Code of Conduct can be found in the Culpeper County Public Schools Policy Manual available at each school as well as the Culpeper County Public Library and online at www.culpeperschools.org.

Jurisdiction of the School Division

Students are subject to the Code of Conduct at all times while they are under the jurisdiction of the School Division, including, but not limited to such times as they are:

1. on school property;
2. waiting for the school bus at designated bus stops;
3. going to and from school;
4. on the school bus;
5. participating in or attending school-sponsored or school-related activities such as field trips, conferences, or athletic events;
6. engaging in off-campus conduct that creates a substantial disruption to the learning environment;
7. engaging in off-campus conduct that presents a threat to the safety of students or staff to include, but not limited to, charges for criminal behavior that if committed by an adult would be a felony or convictions of specific crimes as detailed the Code of Virginia 22.1-277.2 and 16.1-305.1.

Any student convicted of purchase, possession or use of a weapon; homicide; felonious assault and bodily wounding; criminal sexual assault; manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances; manufacture, sale, gift, distribution, or possession of marijuana; arson and related crimes; burglary and related offenses may be suspended or expelled from school attendance.

RESPONSIBILITIES

School Division Employees

The Culpeper County School Board has the responsibility to make policies and regulations, and acting through the Superintendent holds all School Division employees responsible for supervising student behavior while students are legally under the jurisdiction of the schools. Generally, the school principal is responsible for the enforcement of the Code of Conduct by persons under his or her supervision.

Administrators, teachers, bus drivers, and support personnel are to ensure the rights of each student in the School Division are protected. School Division employees are responsible for:

- facilitating regular school attendance;
- providing an orderly school environment, a favorable psychological environment conducive to learning, and an atmosphere of mutual respect;
- encouraging self-discipline;
- maintaining open and proactive communication with parents and students;
- formulating and implementing school rules and regulations in compliance with the Code of Conduct through the school setting;
- disseminating the Code of Conduct upon registration of a new student and to all students and parents annually;

- discussing the Code of Conduct with students and parents at meetings throughout the school year;
- developing a discipline plan of action balancing the needs of the student and the school environment as a whole.

In determining which of the disciplinary actions is most appropriate, a principal or other persons shall consider such factors as the context and seriousness of the violation, the student's age and maturity, disability status, previous disciplinary record, and any other relevant circumstances.

Parents and Guardians

Each parent of a student enrolled in Culpeper County Public Schools has a duty to assist the school in enforcing this Code of Conduct so that each student may be educated in an atmosphere that is free of disruption and supportive of individual rights. It is the responsibility of parents and guardians to:

- ensure regular and prompt school attendance by their child;
- promote the good health of their child by addressing their health needs;
- teach their child to assume responsibility for learning and for their conduct;
- provide encouragement and discipline aimed at motivating their child towards proper, responsible behavior within the school setting;
- ensure that their child is appropriately dressed for school as determined by the dress code with attention to personal cleanliness;
- provide books, materials, instruments, uniforms and equipment that are required for effective participation in the school program;
- provide up to date addresses, phone numbers, emergency contact information to the school; to include that of non-custodial parents;
- provide the necessary information for enrollment in Culpeper County Public Schools to include: proof of residency; student's birth certificate; social security number (optional); physical examination and health information; a record of the completed series of immunizations; and previous academic and discipline records as required by the Code of Virginia.

Students

The Culpeper County School Board believes students are responsible for their learning and behavior, and are to seek adult assistance when encountering difficulties in meeting their responsibilities. Students are subject to increasing accountability for learning and behavior as they progress through school. Students are responsible for and expected to:

- learn and follow the Code of Conduct;
- attend school regularly and be on time to classes;
- put forth the academic effort necessary for learning;
- accept and respect the authority of parents, school personnel, and law enforcement personnel;
- respect the rights of others;
- exercise good judgment;
- practice self-control; and
- accept responsibility for their own learning and behavior.

STUDENT RIGHTS

The Culpeper County School Board recognizes the constitutional and legal rights of individual students as defined in law and in Virginia and U. S. Court decisions. The rights of students, though limited in the context of public schools, are recognized to include, but are not limited to: disciplinary due process; freedom of speech and religion; right of assembly and association; right to privacy; self-defense claims; and protection from discrimination.

Disciplinary Due Process

Students shall not be deprived of their liberty, property, or right to attend school without due process of law. Therefore, school personnel must protect a student's due process rights when the student is accused of violating the Code of Conduct and in the administration of discipline. These include:

- The student's right to know what rule was violated by oral or written notice.
- The student's right to speak in their own defense, and/or present a written statement addressing the accusation and their version of the incident.
- The student's right to present witnesses or evidence for their defense.
- The student's right to be subject to discipline only if the evidence shows it is *likely or probable* the student violated the rule.

- The right to appeal discipline decisions as determined by School Board policies and regulations, and state laws.
- The right to have the discipline process applied in a timely and fair manner without prejudice, bias, or discrimination.

Freedom of Speech

Culpeper County Public School students possess a range of free-expression rights under the First Amendment. Students can speak, write articles, take part in demonstrations, and petition school officials on issues of concern. The U.S. Supreme Court has said that students "do not shed their constitutional rights to freedom of speech and expression at the school-house gate." Though students do possess First Amendment freedoms, the courts allow school officials to regulate certain types of student expression. For example, school officials may prohibit speech that substantially disrupts the school environment or that invades the rights of others.

Freedom of Religion

Students can take part in individual and group prayer during the school day when they are not participating in school activities or are being taught provided they pray in a "non-disruptive manner". These activities have to be voluntary and initiated by the students. Students can also have religious messages on clothing in the same way they are allowed to display non-religious messages on clothing. Students are allowed to express their beliefs about a religion in their school work and assignments if relevant to the assignment.

Student Petitions and Demonstrations

Students may participate in petitions and demonstrations in a manner consistent with First Amendment speech principles and consistent with the following regulations that shall govern all such activities.

1. School Administration may restrict or prohibit student organization and participation in petition or demonstration related activities that (i) interfere with or cause disruption to instruction, learning or school directed activities; (ii) pose a risk of harm to students or staff or that cause reasonable apprehension of such harm; (iii) may result in the harassment and intimidation of students and/or staff; or (iv) are otherwise reasonable restrictions consistent with First Amendment jurisprudence and principles.
2. Any student who wishes to initiate a petition or demonstration must notify the principal (or designee) of the school at least twenty-four hours in advance of initiating a petition or demonstration.
3. The principal will evaluate the request and approve the time and place of the petition activities or demonstration that ensures such activities are consistent with the criteria identified in paragraph 1 above.
4. Any student participating in petition or demonstration activity must exhibit conduct at all times that adheres to the Student Code of Conduct.
5. The principal will provide a student petitioner with a time and space in the school to set-up and occupy a petition table in a manner that ensures such activities are consistent with the criteria identified in paragraph 1 above.
6. The petitioner may advertise the opportunity to sign the petition by creating a sign to be displayed on or near the petition table. The sign may be no larger than a 3 x 5 poster.

Right to Associate and Assembly

Students have the right to meet and associate with other students in a manner that will not disturb regular school activities, and to meet in groups at the school for a legitimate purpose with proper supervision and administrative approval.

Protection from Discrimination

Students are protected by law from being treated differently in disciplinary actions or educational opportunities because of race, religion, gender, sexual orientation, ethnic, national origin, or disability status.

Voluntary Participation in Civic Ceremonies and Traditions

Public school students are led by staff in selected civic ceremonies and traditions whereby students have the right to participate free from disruption or discrimination. These include a "minute of silence" for meditation, prayer or to engage in a silent activity; to salute the flag and recite the Pledge of Allegiance; or to sing The National Anthem. If students choose not to participate in these civic ceremonies and traditions, they are to remain quiet and are not to disturb or distract others that wish to participate. The right of non-participation by students is recognized by Culpeper County Public Schools and is to be respected without intimidation or harassment by others.

Right to Privacy

Students have rights to privacy affecting their educational and discipline records, individual counseling, health conditions, disability status or other confidential information. School employees' access to a student's confidential information and its dissemination to others are defined and proscribed by School Board policy, state and federal law.

Expectations of Privacy, Searches, and Confiscation of Personal Property

Each person has the right to be safe and secure at school and students have the right to pursue their education in an environment free of dangerous or disruptive items. Therefore, schools officials have the authority to prohibit certain items and conduct searches to locate and confiscate such items. School-owned property such as lockers, cubbies, desks, computers, or other school owned property in a student's use can be searched without notice or cause. *There is no expectation of privacy for students in their use or possession of school-owned property.*

Furthermore, when a "reasonable suspicion" exists to cause a search for prohibited items or for evidence that a law or a school policy has been violated, school officials have the right to search the personal property of students to include, but not limited to: clothing; purses; notebooks; book bags; duffle bags; computers; cell phones; or other electronic devices. Any vehicle brought on school property or at any school related event is subject to search if "reasonable suspicion" exists that prohibited items may be present in the vehicle.

Prohibited items or the misuse of allowable items are subject to immediate confiscation by school officials pursuant to School Board policies and regulations. Refusal to cooperate with a lawful request to search will result in disciplinary action.

Right to Review Records

Students and parents have the right to review educational and discipline records upon a request.

Self-Defense Claims

Cases for which self-defense is claimed by a student must meet the following criteria:

1. The claimant must not have provoked or behaved in a manner to cause the incident;
2. The claimant must have had reasonable fear of danger of harm; and
3. Used no more force than needed for protection from the threatened harm.

Such incidents must be reported immediately to school officials. When claims of self-defense have been established, the administrator shall:

1. Allow the student to present his version of what occurred; and
2. Review circumstances and relevant information from others pertaining to the incident, including relationships and previous patterns of interaction among the students involved. Findings from the review of circumstances and other relevant information will be considered in determining the appropriate disciplinary action. Claims of self-defense do not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity.

ATTENDANCE - EXCESSIVE ABSENCES, LATE ARRIVALS, and EARLY DISMISSALS

It is the legal responsibility of parents to ensure their child receives an appropriate education. Regular attendance is a significant factor in academic achievement and plays an important role in developing good habits for future education and employment. Furthermore, late arrivals and early dismissals interrupt the learning of other students. Therefore, the Culpeper County School Board expects students to be on time to school, attend all classes without being late or leaving early, and are not to leave school grounds without administrative approval. Failure to follow the attendance policies of the School Division and individual schools will result in disciplinary action towards the student and legal proceedings may be initiated against the parent, student, or both. (See page 18 for the complete attendance policy.)

CONDUCT ENDANGERING SELF OR OTHERS

Weapons and Other Dangerous Items

The possession, use, sale, or purchase of any dangerous item in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school principal or the School Division Superintendent is prohibited. A violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

Such weapons and dangerous items include, but are not limited to:

- any firearm designed or intended to propel a projectile of any kind, or any look-alike gun
- any type of ammunition
- any knife, razor or box cutter
- any explosives, fireworks, and destructive devices
- any tool such as screwdrivers, hammers, hatchets, axes
- any "fighting" weapon
- any type of pepper spray
- any common object such as scissors, pencils, sports equipment, if used as weapon

In accordance with state law, a student who is determined to have brought a "firearm" as defined in law or knife with a blade of 3 inches or longer, or other types of fighting weapons on school property or to a school-sponsored activity shall be expelled for no less than one calendar year (365 days). The Superintendent or designee may, however, de-

termine, based on the facts of a particular case that special circumstances exist and another disciplinary action is appropriate. Any such discipline shall be taken in accordance with policy. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation. **Any student who possesses or uses a weapon or dangerous article on school property shall be referred to law enforcement.**

Exceptions:

Curricular- An exception to this policy may be made for students participating in an authorized part of the curriculum, extracurricular activity or team involving the use of firearms, or in any organization permitted by the school to use the premises. However, the student may be subject to appropriate disciplinary action for misuse of the item or for use for any purpose other than the authorized curricular purpose.

Food Preparation or Service: A student possessing a knife which is (1) customarily used for food preparation or service and (2) is being possessed for the sole purpose of food preparation or service shall not be subject to mandatory expulsion. However, the student may be subject to appropriate disciplinary action for misuse of the knife or for use for any purpose other than as authorized. **Any exception must be arranged in advance with the administration of the school involved.**

Arson, Explosives, Bomb Threats and False Alarms

Students may not engage in any illegal conduct involving sources of ignition (lighters, matches, flammable fuels); fireworks; explosive, chemical, or incendiary materials or devices; or hoax devices, as defined in the Code of Virginia. Possession or use of such items is prohibited. Furthermore, students shall not make any threat or false threat to bomb, burn, or destroy property or to cause harm to others, nor to cause a false alarm to be initiated, conveyed, or transmitted.

Alcohol, Tobacco or Nicotine Products, Drugs, Inhalable or Ingestible Harmful Substances, and Drug Paraphernalia

Students shall not possess, use, distribute or be under the influence of alcohol, tobacco or nicotine products, drugs, inhalable or ingestible harmful substances, or drug paraphernalia on school property, at school sponsored activities on or off school property, on school buses or at school bus stops. **Substances prohibited by this section include, but may not be limited to: nicotine or cannabis products; vaping devices or electronic cigarettes; alcohol; marijuana; illegal or controlled substances; prescription drugs; drug paraphernalia; steroids; inhalants; imitation controlled substances; or over the counter medications or any other inhalable or ingestible substance, whether legally or illegally possessed, where the substance is used or is to be used in a manner that causes physical or mental impairment or subjects the user to a dangerous risk of physical or mental harm.** Any medications prescribed by physicians or over the counter medications for a student must be brought to the school office by a parent if the student has the need to take such medications during the school day. Once a parent has completed the appropriate form for dispensing medication, arrangements will be made for the student to receive his medication during the *school day*.

Disciplinary Actions relating to Alcohol, Nicotine, Drugs, or Other Harmful Inhalable or Ingestible Substances

Students who are found to be in violation of Culpeper County Public School's policies with regard to the use, possession, distribution, or intent to distribute alcohol, nicotine, drugs, or other harmful inhalable or ingestible products shall be subject to immediate suspension to include loss of student privileges, notification to law enforcement authorities as required by law, and possible alternative education placement or expulsion in accordance with school board policies and regulations. Offending students may be required to participate in a substance abuse evaluation, counseling program, or treatment, with parent consent, by the Division Superintendent or designee, or by the School Board as a condition for reinstatement of student privileges and/or regular school attendance.

Culpeper County Public School's Regulation - Student Assistant Program (JFCI-BR1)

Selling and Distributing

Students who are found to be in violation of Culpeper County Public School's harmful substance policies with regard to selling, distribution, or possession with intent to distribute shall be subject to suspension until a Discipline Hearing with a recommendation for placement in an alternative education program or expulsion by the School Board in accordance with policies and regulations.

Possession and/or Use

Students who are found to be in violation of the school division's harmful substance policies with regard to possession and/or use of said harmful substances on school property or while engaged in school activities and events off school property, including being under the influence of harmful substances while at school or engaging in school activities or events, shall be immediately suspended and may be recommended for an alternative education placement by the Discipline Hearing Officer in accordance with policies and regulations.

Students who are found in violation of the code of conduct in regards to use of harmful substances are referred to the Student Assistance Program (SAP). The student must follow all SAP rules, regulations, and procedures. SAP rules, regulations and procedures include but are not limited to, the following:

1. The student is referred to the Sheriff's Department's School Resource Officer (SRO) for an investigation that may lead to criminal or civil charges.
2. Once any appeals have been adjudicated, the student and their parent or guardian must meet with the Superintendent's designee to sign the Student Assistance Program (SAP) Contract.
3. The Student Assistance Program consists of:
 - A referral to the Culpeper County Options Program for an evaluation by a certified substance abuse counselor. The student will participate in harmful substance use prevention counseling offered by the Options Program. Students participating in the Options Program will perform community service to pay for their services. The parent may choose a similar substance abuse assessment, counseling or treatment, and drug testing that is pre-approved by the Superintendent's designee at no cost to the School Division.
 - As part of the harmful substance use prevention program, the student must submit to alcohol/drug/nicotine testing upon request at no expense to the School Division for a period of up to 90 days after the referral to Options or other approved harmful substance use prevention program or counselor. Students testing positive for harmful substances are not subject to a school suspension solely for a positive test. However, the Student-Athlete Pledge Program will apply to those students and other student privileges may be denied for a positive test for prohibited substances while in the SAP program. (See policy JFCF BR-2)
4. The student must satisfactorily adhere to the requirements of the SAP contract. Failure to satisfactorily complete the components of the SAP contract may result in further disciplinary action which may include assignment to an alternative education program, short-term or long-term suspension, or a recommendation for expulsion from attending Culpeper County Public Schools by the School Board. (*Amended by CCPS School Board 06/08/2020*)

Conspiracy

The planning and/or an agreement by two or more students to commit an illegal act is prohibited whether the conspiracy results in an illegal act on school property or at a school-related event, or whether the conspiracy occurs or is furthered by students while under the authority of the school.

Assault and Threats

Assault is a threat or attempt to cause bodily injury. Threats are circumstances whereby a person is placed in reasonable fear of bodily injury by weapons, attempts at physical contact, gestures, written notes, electronic messages, or verbal comments. Assaults and threats are prohibited.

Battery (Physical Aggression)

Battery is any bodily hurt, however slight, done to another person in an angry, rude, or vengeful manner. Students are prohibited from committing battery by intentionally hitting, shoving, tripping, scratching, biting, throwing objects at, or blocking the passage of another person.

Inappropriate Behavior

The behavior of students in various school settings- classrooms, playgrounds, hallways, cafeterias, gymnasiums, on school buses, at bus stops, or at school-related events must be appropriate for the time, place, and circumstances. Acts of harmful play (wrestling, play fighting, or pranks), rambunctiousness (running, jumping, standing, yelling, or loud talking not in proper context) or any socially inconsiderate behaviors (line cutting, playing with food, not waiting for a turn) are prohibited.

Incitement or Instigation of Fighting

Actions, comments, written or electronic messages intended to cause others to engage in mutual acts of aggression or may result in acts of aggression are prohibited.

Fighting

Aggressive actions by which two or more persons mutually intend to cause harm or injury are prohibited. These actions include, but are not limited to: hitting, kicking, shoving, wrestling, or other aggressive actions which could result in harm or injury to the individuals involved, bystanders or school personnel, or damage to school or personal property.

Sexual Behavior

Sexual behavior is prohibited in any form on school grounds, school buses, or at school sponsored activities. Sexual behavior includes, but is not limited to kissing, romantic displays of affection (excluding hand-holding), indecent exposure, sexual messages including electronic messages, obscene photographs or video and inappropriate gestures.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment are prohibited.

Stalking

Students shall not engage in a pattern of behavior that places another person in reasonable fear of bodily harm or constitutes an invasion of their privacy. These behaviors include: following their movements; visual or auditory spying; use of electronic means of surveillance; use of intermediaries acting on their behalf.

Profane or Obscene Language, Behavior, or Items

Students shall not use vulgar, profane, or obscene language or engage in conduct that is vulgar, profane, or obscene. The possession of obscene literature, photographs, video, or illustrations in any form is also prohibited. This includes the wearing of clothing or adornments which convey sexually suggestive messages.

Extortion

Willful use of physical or verbal threats intended to result in an involuntary transfer of money or property to another person is prohibited.

Gambling

Gambling is any event, action, or statement which relies on chance for the monetary advantage of one participant at the expense of others. This includes exchanging items of value, as well as currency, and extends to keeping score for later settlement. Gambling on school property or at school-related events is prohibited.

Hazing

No student shall engage in hazing. Hazing means to recklessly and intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for, continued membership in a club, organization, association, fraternity, sorority, or student body, regardless of whether the student or students so endangered or injured participated voluntarily in the activity.

Hazing is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2500, or both, in addition to any disciplinary consequences which may be imposed. The principal of any school at which hazing causes bodily injury shall report the hazing to the local law enforcement.

Bullying

Students, either individually or as a part of a group, shall not bully others. "Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. The following conduct is illustrative of bullying:

- Physical intimidation, taunting, name calling, insults, excluding or ostracizing behaviors;
- Comments regarding the race, gender, religion, national origin, physical abilities or characteristics of the targeted person or his or her associates;
- Falsifying statements about other persons or spreading rumors; or
- "Bullying" includes cyber bullying which is the use of technology such as e-mail, text messages, or postings on web sites to defame or threaten others.

Defiance

Students must comply with any reasonable written or verbal direction given by school personnel. These include, but are not limited to, requests to stop talking, to stay seated, to participate in learning activities, to hand over personal property, to cease a behavior, or to identify themselves to school personnel.

Disruptive Behavior

Any physical or verbal disturbance which occurs within the learning environment which interrupts or interferes with teaching or learning, the orderly conduct of school activities, or the safe operation of school programs or a school bus is prohibited.

Disrespect towards Others

Students may not verbally, through writing or pictures, use of gestures or body language curse, defame, ridicule, or intentionally embarrass another person to include students, school personnel, or visitors. Students who refuse to recognize the proper authority of school personnel to enforce rules are also in violation of this rule.

Unauthorized Use of Photography, Video, or Audio

Students are prohibited from taking photographs, or creating video or audio recordings of other students, school personnel, or visitors without the express consent of the teacher, principal, or other school personnel in supervision of the student. This applies within school buildings or on school grounds, on school buses or at bus stops, or when attending school-related events on or off campus.

Gang Activity or Association

The School Board acknowledges the existence of gangs in the community and the threat they pose to the educational environment. Therefore, students shall not engage in gang activity on school grounds, on school buses or at any school sponsored activity. Gang activity is defined as:

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
- committing any act or omission, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang;
- using any speech or committing any act or omission in furtherance of the interests of any gang;
- soliciting, hazing and initiating others for membership in any gang;
- requesting any person to pay protection or otherwise intimidating or threatening any person; or committing any other illegal act or other violation of school policy.

Operation of Motor Vehicles

Students and visitors operating motor vehicles to and from school and on school property shall do so in a safe and proper manner. Any student who drives in a careless or dangerous manner, or under the influence of alcohol or narcotics on school property and/or ignores parking rules is subject to revocation or suspension of their parking privileges, and will be referred to law enforcement.

INTEGRITY

Students shall demonstrate honesty, trustworthiness, and integrity in their interactions with others, and in their academic work. Fair and just disciplinary actions dictate that school officials need truthful statements from accused students, accusers, and witnesses when investigating violations of the Code of Conduct. Students are subject to separate disciplinary action for attempts to deceive school officials in the course of investigations or in the administering of disciplinary actions. Attempts toward completion of any act described below would constitute a violation and may be punishable whether or not the attempted act is completed. The behaviors described below are prohibited:

Cheating

Cheating includes the actual giving or receiving of any unauthorized aid or assistance or using an unfair advantage on any form of academic work.

Plagiarism

Plagiarism includes the copying of the language, structure, idea and/or thought of another person and representing it as one's own work.

Forgery

Forgery is the signing of another person's name or initials on a document with the intent to deceive others. Forgery also includes the altering of any school document or parent note.

Lying

Lying is the act of making a false statement with the intent to deceive others. Students are expected to provide truthful statements to school personnel when asked questions related to their own academic work or behavior, and when questioned about the behavior or actions of others.

False Allegations

The making of false accusations against innocent person(s) may carry serious consequences for the person(s) accused. Therefore, students falsely accusing other students of violations of the Code of Conduct are subject to disciplinary actions. Students making false accusations against School Division employees, volunteers, law enforcement personnel, or other persons are subject to disciplinary actions which may include long term suspension.

PROPERTY OFFENSES

Stealing or Theft

The taking or attempt to take the property or money of another person, the school, or other organizations by force, threat, trickery, or stealth is prohibited.

Trespassing

It is unlawful for any person, whether or not a student, to enter upon or remain upon any school property (including school buses) in violation of any directive by school personnel to leave the property or by posted notice which contains such information. Students suspended or expelled from school are not to be on any Culpeper County Public Schools property, including buses or bus stops, or attend any school-related events. Violators are subject to discipline and/or notification to law enforcement.

Vandalism

Vandalism is the willful marring, defacing, (i.e. graffiti), or destruction of the property of Culpeper County Public Schools, or any public or personal property while on school property or during a school-sponsored activity. Additionally, this includes unauthorized entry into any computer system (See Acceptable Computer System Use Policy). Vandalism of property is prohibited and anyone who vandalizes property will be disciplined and/or reported to law enforcement and will be responsible for monetary restitution for the total cost of replacement or repair.

Buying, Selling, or Trading of Items

Students are prohibited from engaging in the buying, selling, or trading of personal property on school property or at school-related events. The conduct of school-related fund raisers must be in accordance with provisions established by the school principal or designee. Permission to conduct or advertise fundraising for outside organizations or individuals must be approved by the Division Superintendent or designee.

STANDARDS OF DRESS (Pre-Kindergarten thru 12)

Culpeper County Public Schools seek to maintain an orderly environment for the education of students. To accomplish this goal, the Division has established a standard of student dress that is conducive to a proper educational climate, while reasonable enough to allow students to be expressive in their clothing selection.

The following are examples of the standards of dress that will be enforced at school:

- Clothing must cover the entire body between the neckline and mid-thigh.
- The display of any portion of underwear with the exception of appropriate undershirts is prohibited.
- Underwear appropriate for the body is to be worn at all times (Undershirts are optional).
- Any items that advertise tobacco, drugs, or alcohol are prohibited.
- Any items associated with or suggestive of support for or membership in a criminal street gang are prohibited.
- Any items pornographic, obscene, or sexually suggestive in nature are prohibited.
- Items that in the opinion of school officials are reasonably probable to disrupt the operation of the school or endanger the wearer or others are prohibited.

The principal or designee has the authority to decide whether or not an item of clothing or adornment is a violation of the standards of dress. The student will be expected to remedy the violation. Any discipline of students shall be at the discretion of the principal or designee and shall depend upon the age of the student, the type and number of violation(s).

PORTABLE ELECTRONIC DEVICES

The Culpeper County School Board recognizes that Portable Electronic Devices (PED) such as cell phones, computers, and audio/video devices may be used for valid purposes, such as communication, information, and entertainment, while at school or at school-sponsored events; however, the possession and use of a PED on school property is a privilege both subject to strict regulation and revocable for reasonable cause. Students with parent permission may possess and use PEDs on school property provided the cell phone number is provided to the school administration as part of the student's school registration. Use of a PED is in strict compliance with the following restrictions:

Student use of a PED at any permitted time and location SHALL NOT distract the student or others from learning or participating in the educational process, interfere with the work of school employees, create any safety concern or hazard, and/or violate any other provision of the code of conduct.

Students in grades 9 through 12 may use PEDs before the morning tardy bell, after the dismissal bell, between classes, during lunch, or at other times when explicitly permitted by a school employee.

Students in grades 6 through 8 may use PEDs before the morning tardy bell, after the dismissal bell, during lunch or at other times when explicitly permitted by a school employee.

Students in grades pre-kindergarten through 5 may NOT use PEDs while on school property or when attending school-related events unless given explicit permission by the principal or designee.

The School Board, its employees or agents are not responsible for any loss, theft, damage to, or safety of any PED brought onto school property at any time. The student or parent who brings or allows such a PED to be brought to school assumes the risk of all such damage or losses.

Students and parents who use or consent to the use of a PED at school and in compliance with the rules for use established by this policy expressly understand that no PED will be configured for use on the CCPS computer network and, therefore, any student use of a PED to access the internet while at school will not be subject to or affected in any way by CCPS network filters. Accordingly, students and parents who use or consent to the use of a PED at school assume all risk that student use may expose the student to inappropriate, obscene, or harmful content and that it shall not be the responsibility of the School Board or its employees to monitor student use of the internet when using a PED at school or to protect or prevent students from accessing inappropriate or harmful internet content.

If a cell phone or other electronic device is confiscated to investigate other possible violations of the Code of Conduct (e.g., bullying) or violations of law (e.g., evidence of drug distribution), then school officials and/or law enforcement shall keep the device until the investigation is complete. The confiscated device will be returned to the owner in accordance with the laws and/or policies of the Commonwealth.

TYPES OF DISCIPLINARY ACTIONS

The Code of Conduct specifically outlines categories of behavior and states possible disciplinary actions (consequences) which may occur as a result of a violation of the code. When making disciplinary decisions, school personnel will consider several factors, to include:

1. the specific code section(s) being violated
2. specific circumstances surrounding the incident
3. the student's previous discipline record
4. the age and/or grade level of the student
5. the disability status of the student, if applicable
6. other factors as appropriate.

Confiscation

Any item prohibited by this Code of Conduct, *or* any item deemed to be disruptive to the school environment, will be removed from the student's possession and returned to the parent in accordance with School Board policy. Depending upon the item confiscated, and the number of previous offenses additional disciplinary action may be required.

Student Conference

Formal and informal conferences are frequently held between the student and teacher, bus driver, guidance counselor, or school principal in the course of disciplining a student. The purpose of the conference is to help the student become aware of inappropriate behavior and to assist with correcting the behavior.

Assigned Seating or Restrictions of Movement

Assigned seating or restrictions on the movement of a student in the classroom, cafeteria, or bus restricts a student's interactions with other students and limits their freedom of movement to prevent disruption.

Timeout

Timeout is the placement of a student in a location within the classroom, cafeteria, or other area where peer interaction is prohibited for a short period of time. Timeout is an informal disciplinary action not subject to required notification to parents, or inclusion in a student's permanent educational record or state discipline reports.

Detention

Detention is the placement of a student in a restrictive setting supervised by school personnel excluded from their peers during non-instructional activities such as: before or after school; lunch periods; recess; or breaks. Detentions may be considered a formal disciplinary action requiring notification to parents and inclusion in a student's permanent educational record depending upon the specific discipline policies of the school.

Loss of Social Privileges

The loss of social privileges is the denial of student's participation in certain school activities: recess, assemblies, athletic events, or extra-curricular activities. The short-term loss of social privileges is an informal disciplinary action and is not included in a student's permanent educational record, with certain exceptions. The long-term denial of social privileges is a formal disciplinary action requiring notification to parents and inclusion in a student's permanent educational record.

Temporary Removal of a Student from Classroom

State law provides that teachers shall have the initial authority to temporarily remove a student from their classroom for disruptive behavior subject to procedures and policies approved by the School Board.

School-based Stay-Away Orders

Students who engage in bullying or other harassing behaviors may be ordered to stop all interaction with another student or school employee while on school property, at bus stops, or while attending school-related events. The issuance of a school-based stay-away order is a formal disciplinary action requiring notification to parents and inclusion in a student's permanent educational record.

In-School Suspension

Students may be placed and supervised in a restrictive setting within the school referred to as "in-school suspension" for violations of the Code of Conduct. In-school suspensions deny students the ability to attend their normal instructional activities, in addition to other non-instructional activities. This placement may be for part of the school day, the entire school day, or multiple school days at the discretion of school administrators. Students must conform to the work and behavior expectations of the in-school suspension program before being released by the principal or designee. In-school suspensions are formal disciplinary actions requiring notification to parents and inclusion in a student's permanent educational record, and state discipline reports.

Short-term Suspension

Students may be prohibited from attending school and other school-related activities by a school administrator for a period not to exceed ten (10) days for serious or repeated violations of the Code of Conduct. Parents must attend a conference with the suspending school administrator before returning to regular school attendance. Students suspended or expelled from school are not allowed on any Culpeper County Public Schools property, including buses or bus stops,

or to attend any school- related events. Violators are subject to notification to law enforcement for trespassing. Short-term school suspensions are formal disciplinary actions requiring notification to parents and inclusion in a student's permanent educational record, and state discipline reports.

Referral to Discipline Hearing

Student and their parents (or legal guardian) may be required to attend a discipline hearing concerning serious or repeated violations of the Code of Conduct. The Discipline Hearing Officer reviews the specific case(s) of the student being referred, and after hearing from all parties involved, may impose a variety of consequences including long-term out-of-school suspensions, placement in alternative education programs, require counseling or alcohol/drug treatment, or recommendation to the Division Superintendent for expulsion by the Culpeper County School Board.

Students Services Interventions

When a student experiences repeated problems in obeying the code of conduct, students may be placed on a Behavior Education Plan (BEP) in order to support the student in addressing their conduct. If continued violations occur, students may be placed on a Behavior Intervention Plan (BIP) with increased supports to address the conduct. Referrals for a behavior assessment or for counseling services from non-school professionals may be initiated by school officials with parent permission.

Filing of Juvenile Court Petitions

When school and parent interventions and supports have failed to address a student's repeated violations of the code of conduct or other behavior that is detrimental to the child's safety, school personnel may file petitions with the Juvenile Court as a *Child in Need of Supervision* or a *Child in Need of Services* as a means of obtaining services outside of the school's or parent's capacity.

School/Community Service

Students may be required to perform school/community service to compensate for certain violations of the Code of Conduct.

Restitution

Payment for School Division property that is stolen, damaged or destroyed by a student will be required.

Probation

Students may be placed on probation rather than suspension. Students on probation may also be prohibited from participating in specific activities. Students who violate probation are subject to a discipline hearing with the recommendation for long-term suspension.

Long-Term Suspension

Long-term suspensions are the removal of a student from attendance at school or an alternative education program for a period of eleven (11) days up to forty-five (45) days. Suspensions may be greater than forty-five (45) days up to three hundred sixty-four (364) days for offenses involving weapons, drugs, or serious bodily injury. Long-term suspensions may only be imposed after a hearing by the Hearing Officer or the Superintendent or designee upon review.

Prohibition from Being on School Property and Attendance at School-Related Events Off-Property Suspended students are prohibited from being present on any Culpeper County Public School property or attend any school-related event off property during the period of suspension. Exceptions to this prohibition may be granted to a student in extenuating circumstances upon petition to the Superintendent or designee.

Alternative Education Programs

Students who have committed a single serious violation of the code of conduct or who have committed multiple violations over time may be placed in an alternative education program. Students are placed in alternative education upon recommendation of the principal to the school division's Hearing Officer. Parents and students have the right to appear before the Hearing Officer to state their case as to why such placement should not occur. All placements in alternative education are subject to review by the Superintendent or designee upon written appeal by the parent or student. The decision of the Superintendent or designee can be appealed to the full School Board for a review of the record. The School Board may affirm, modify, or overturn the decision of the Superintendent or designee.

The alternative education program consists of full time or part-time attendance for direct instruction by teachers at the annex building or an off-site location in combination with online courses. Students placed in the alternative education program are subject to restrictions in transportation to and from school, their presence on school property, and participation or attendance in CCPS extracurricular events at any school or off-campus.

Expulsion by the School Board

Expulsion is defined as the exclusion of a student from attending Culpeper County Public Schools for no less than 365 days. In cases of very serious or continuous violations of the Code of Conduct after other interventions have been exhausted, a principal may recommend to the Division Superintendent or designee, the expulsion of a student by the School Board.

The Division Superintendent or designee will examine the facts of the case and make a determination to carry that recommendation forward to the School Board for hearing. Factors considered include:

1. nature and seriousness of the violation(s)
 2. degree of danger to the school community
 3. the student's previous disciplinary record
 4. appropriateness or availability of alternative education placements
 5. age and grade level of the student
 6. results of substance abuse, mental health, or special education evaluations
 7. attendance and academic records
 8. other matters as appropriate. If the recommendation for expulsion is made by the Superintendent a hearing will be scheduled within 10 days. The Superintendent, or designee, shall notify the parents of the time and place of the hearing.
- * Action by the Culpeper County School Board is considered final. Any appeal of an expulsion must be registered with the local Circuit Court in accordance with state law.
 - * An expelled student may be required to participate in educational programs, counseling, or community service offered through the School Division as a condition of re-enrollment at the end of the expulsion period. Any costs of educational or counseling programs not offered by the School Division are the responsibility of the parent/guardian.
 - * Students expelled from school are not allowed on any Culpeper County Public Schools property, including buses or bus stops, or to attend any school-related events. Violators are subject to notification to law enforcement for trespassing.
 - * Under state law, School Divisions may deny enrollment of any student under expulsion or long-term suspension from another School Division until the period of suspension or expulsion has passed and any conditions for enrollment are met.

Corporal Punishment (from Policy JGA)

No teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. This prohibition does not prohibit 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:

- to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- to prevent a student from inflicting physical harm on himself; for self-defense or the defense of others; or
- to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

For the purposes of this policy, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. "Corporal punishment" does not include physical pain, injury, or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

Reporting Disciplinary Actions

School employees are to maintain open and proactive communication with parents and students to attempt to prevent most disciplinary problems before formal disciplinary actions are necessary. Therefore, parents may be notified by teachers, bus drivers, or school administrators verbally or in writing when students have committed minor violations of the Code of Conduct that require *informal disciplinary actions* such as assigned seating; restrictions of movement; student conferencing; time-outs; short-term loss of social rights such as the denial of recess or free time; lunch

with peers; attending or participating in an assembly, athletic competition, or extracurricular activity. Informal disciplinary actions are not recorded in the student's permanent educational records, nor are these disciplinary actions included in School Division discipline reports to the Virginia Department of Education, with certain exceptions.

School administrators or their designee are to make reasonable efforts to notify parents through written and/or oral communications when *formal disciplinary actions* are implemented such as removal of the student from the classroom; detentions; school stay-away orders; long-term loss of social rights; in-school suspensions; out-of school suspensions; expulsions. Formal disciplinary actions are recorded in the student's permanent educational records, and are included in School Division discipline reports to the Virginia Department of Education, with certain exceptions. Additionally, upon the out of school suspension of any student, the person responsible for issuing the suspension shall report the facts of the case in writing to the Division Superintendent or designee.

Discipline Records

State law requires that certain violations of the Code of Conduct be recorded in writing and maintained in each student's cumulative educational record. Violations of the Code of Conduct and the formal disciplinary actions taken are recorded on school discipline referrals and are sent home to be signed by the parent. The number of violation(s) by type and the formal disciplinary actions taken are entered into the student records management system for use by the School Division and are reported to the Virginia Department of Education annually.

Reporting of Certain Offenses to Law Enforcement Authorities

Local School Board policy must provide for notification of local law enforcement authorities in accordance with § 22.1-279.3:1.D. of the *Code of Virginia* that 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, or the battery is against school personnel, reporting is mandatory. Section 22.1-279.3:1.A. of the *Code* lists offenses 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 § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity
- iii. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications
- 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 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. The principal or designee must also report these incidents to the Division Superintendent. 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 Division Superintendent or designee.

PROPER STUDENT BEHAVIOR ON BUSES (from Policy JFCC-BR1)

Student's Responsibility

Proper behavior by students riding school buses is essential to the safe and efficient operation of the school bus. Therefore, bus riders must conform to all standards of behavior as detailed in the Culpeper County Public Schools Student Code of Conduct in addition to the rules that are specific to riding a school bus or at bus stops.

Bus Driver's and Aide's Responsibilities

The driver is responsible for the safe operation of the bus, and has immediate authority over students. The driver or aide is required to enforce all rules for students. Drivers and bus aides have the responsibility to prevent misbehavior by establishing themselves as authority figures, communicating the Code of Conduct for bus riders, paying attention to the behavior of students to the extent possible while safely driving the bus, and acting promptly and appropriately to stop further misbehavior once it is observed or heard. Drivers are expected to listen attentively to student's complaints of bullying or reports of serious misbehaviors, and take immediate action even when these behaviors are not witnessed by the driver. Drivers are expected to communicate with parents about the less serious misbehaviors of their children and to respond to parents concerns accordingly. Serious violations the Code of Conduct or ongoing less serious violations of the code are to be reported to the principal of the school where the student attends using the appropriate discipline referral form and process as soon as possible.

Principal's Responsibilities

The principal of the school is ultimately responsible for discipline of students and shall require *appropriate behavior* of students on the school bus or at bus stops. Principals are to communicate to students and parents the rules for bus riders, and take preventive steps to promote proper bus riding behavior. Principals have authority to deny students the privilege to the ride bus for a period of time for acts of misconduct which interferes with the safe and orderly operation of the buses or interferes with the rights of other students. Principals are expected to act in a timely manner on discipline referrals submitted by drivers or aides, and to communicate to drivers, students, and parents the outcome of any discipline proceeding.

Parent's Responsibilities

The supervision and safety of children to and from the bus stop is the sole responsibility of the parent or caregiver. Parents/caregivers of pre-kindergarten through third grade (preK-3rd) students are expected to meet their children at the bus stop at the scheduled drop-off time. If the parent/caregiver is not at the bus stop, the child will be returned to the child's assigned school, where the parent will be required to pick up the child. A parent/caregiver may opt out of this requirement by completing form (EEA-E1) which means the child will be dropped at the bus stop without supervision. If a driver is required to return a student three (3) times in a school year as provided for in this paragraph, the student's transportation privileges will be suspended for one (1) week and until such time as the student's parents meet with the school principal to discuss the conditions for the resumption of transportation services. Any additional failure by parents to comply with the supervision requirements of this paragraph may lead to a longer suspension of transportation services for a period of time to be determined by the Superintendent or designee. Parents are to report to drivers or principals concerns relating to student behavior that come to their attention. Parents are to write notes giving permission when their child needs to ride another bus, disembark at another stop, or have another student arrive at their home. (This authorization must be approved by the principal concerned and given to the bus driver in the form of a bus pass.) Parents are to transport their child if a bus suspension is imposed.

Warnings, Assigned Seating, and Bus Suspensions

Principals and bus drivers may issue warnings or assigned seats to students for less serious violations of the code of conduct. Principals may choose to impose bus suspensions for students who continue with less serious violations of the code of conduct, or who commit a serious violation of the Code of Conduct for a period of up to ten days (10) factoring in the age and maturity of the student involved, and the student's previous record of bus behavior. Students who are suspended from the school bus are the responsibility of the parents to transport to and from school. Students continue to be subject to Virginia's Compulsory Attendance Law and Culpeper County School Board's Policy on Attendance when suspended from riding school buses. Suspension from the bus for a specific number of days refers to days that school is in session. Teacher workdays, weekends, holidays, or other days that schools are closed for students will not count in the days suspended from the bus.

Code of Conduct for Bus Riders

Any of the following serious violations of the Code of Conduct is a sufficient reason for denying students the privilege to ride buses without a prior warning. These serious acts of misconduct must be referred to the principal for immediate discipline.

- Possession of a weapon to include a gun, knife, (or look-alikes), or any ordinary item intended to be used as a weapon (scissors, pencils, tools, sports equipment).
- Possession of drugs, tobacco, or alcohol or the suspected use of any intoxicant.
- Bullying, aggressive behavior, or threats towards another person - shoving, tripping, hitting, kicking, biting with the intent of inflicting bodily or psychological harm.
- Sexual acts or sexual harassing behaviors involving inappropriate comments or touching of another person.
- Indecent exposure.
- Profanity or insulting comments of racial, ethnic, or sexual nature.
- Disrespect towards the bus driver or bus aide to include screaming or yelling at the individual, refusing to obey, making threats, cursing, or making inappropriate gestures.
- Aggressive play” such as wrestling, pushing, chasing, tripping, hitting, or kicking.
- Thefts or vandalism of another person’s property or of the school bus.
- Throwing objects out of a bus window.

The following are less serious violations of the Code of Conduct to be addressed by bus drivers first and only after a warning to stop is disobeyed, or continues over time.

- Incidental pushing as students are entering and leaving the bus (not with force or the intent to harm).
- Throwing of any objects on the bus (not out the window or with the intent of harm).
- Not being seated while the bus is in motion; moving seats or standing without permission.
- Sitting in unsafe manner - sitting blocking the aisle, backwards or sideways, on the knees or legs, on top of another person or objects.
- Persistent loud or boisterous talk.
- Engaging in arguments, teasing, or minor name-calling.
- Not sitting in an assigned seat.
- Possession of glass containers, balloons, or other potentially distracting or dangerous items.
- Possession of live animals.
- Eating, drinking, or chewing gum without permission.
- Wearing cleated shoes or other type of spikes.
- Possessing musical instruments, school projects, or other large items that cannot be held on the lap.
- Using cell phones, lap top computers, radios, CD players, iPods, or other electronic devices in an improper manner, or by creating a disruption on the bus or distraction to the driver.
- Littering on the bus.

Bus Stop Behavior

The bus stop is an area where student behavior can lead to serious injury or death. Drivers observing inappropriate behavior or receiving reports of such behavior are to take action. The School Board has the authority to monitor bus stop behavior and enforce the Code of Conduct upon students at the bus stop.

Violations of the Code of Conduct include:

- Getting on or off at an unauthorized bus stop.
- Riding a bus without authorization of school personnel.
- Playing in an unsafe manner while waiting for the bus.
- Upon leaving the bus, crossing the road in an unsafe manner.
- Making the bus wait for your arrival at the bus stop.
- Not staying a safe distance from the road.
- Pushing others or cutting in line as the bus approaches or when boarding the bus.
- Not staying clear of the bus until it has come to a complete stop.
- Not allowing smaller children to board first.
- Bullying behaviors.
- Possession of forbidden items.
- After leaving the bus, not directly going to your home without parental permission.

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

Culpeper County Public Schools recognize the right of each student with disabilities to an appropriate education. Students identified as disabled are expected to follow the rules, however, dispositions may vary. Federal and state law and regulations govern the discipline procedures for students with disabilities. The following is an excerpt from *The Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, effective July 7, 2009.

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 I 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 10 consecutive school days or 10 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.
 - (1) The local educational agency determines when isolated, short-term removals for unrelated instances of misconduct are considered a pattern.
 - (2) 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 10 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 10 consecutive school days; or (34 CFR 300.530; 34 CFR 300.536)
2. The child has received a series of short-term removals that constitutes a pattern:
 - (a) Because the removals cumulate to more than 10 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. (34 CFR 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
 - (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 subdivision 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. (34 CFR 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 10 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:
 - (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (2) 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.
 6. 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 C5 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.
7. 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 10 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 7 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.

ACCEPTABLE COMPUTER SYSTEM USE—SCHOOL BOARD POLICY IIBEA-SR1/GAB-SR1

All use of the Culpeper County School Division's computer system shall be consistent with the School Board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, printers, flash drives, servers, computers, tablets, cellular phones, smart phones, the Internet and any other internal or external network.

Computer System Uses, Ethics and Protocols:

Acceptable Use. Access to the Division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business. All users will have a signed "Acceptable Use Agreement" on file at their base school.

Privilege. The use of the Division's computer system is a privilege, not a right.

Unacceptable Use. Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:

Users are prohibited from using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.

Users are prohibited from using computers or the CCPS network to commit, facilitate, encourage, or promote illegal acts, including the unauthorized or fraudulent use of a credit card.

Users are prohibited from sending, receiving, viewing or downloading illegal material via the computer system.

Users are prohibited from unauthorized downloading of software, including software for the intent of bypassing the Internet filter.

Users are prohibited from using the CCPS computer system for private financial or commercial purposes.

Users are prohibited from vandalizing computers or the CCPS network. This is to include physical damage to the user's issued devices, attempts to alter or destroy data of another user or to endanger the integrity of a computer or the CCPS network or the data stored thereon (including the introduction of any virus, filter bypass, trojan horse, or the like), or any deletion of or alteration to system files or data.

Users are prohibited from wastefully using resources, such as file space.

Users are prohibited from gaining unauthorized access to resources or entities.

Users are prohibited from posting material created by another without his or her consent.

Users are prohibited from submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.

Users are prohibited from revealing their passwords to anyone. Users are prohibited from using passwords or accounts other than those assigned to the user or the user's devices.

Users are prohibited from using computers or the CCPS network to intimidate, harass, bully, or coerce other individuals or groups.

Users are prohibited from knowingly accessing portions of the Internet that are inconsistent with the educational or instructional mission or administrative function of CCPS.

The School Division's electronic mail system is owned and controlled by the School Division. The School Division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not confidential or private; it is the property of the school system. Students' electronic mail may be monitored. The electronic mail of staff may be monitored and accessed by the School Division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file. E-mail access, if provided, shall comply with all CCPS policies and regulations including, but not limited to, privacy, standards of conduct, and the use of CCPS equipment. CCPS may review e-mail sent by CCPS users to verify compliance with CCPS policies and regulations.

Students are prohibited from knowingly accessing inappropriate Internet content.

Network Etiquette and Ethical Use. Each user is expected to abide by generally accepted rules of etiquette, including the following:

be polite.

users shall not forge, intercept or interfere with electronic mail messages.

use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.

users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.

users shall respect the computer system's resource limits.

users shall not post chain letters or download large files.

users shall not use the computer system to disrupt others.

users shall not modify or delete data owned by others.

users shall log off and power-down their machines after finishing work.

users shall observe notices and warnings from the Technology Department.

users shall not modify or rearrange keyboards, key caps, monitors, printers, or any other peripheral equipment.

users shall not post or send information that violates the privacy of others, jeopardizes the health and safety of others, disrupts school or office activities, or is inconsistent with the school division's mission.

Liability. The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Division denies any responsibility for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs, or damages incurred by the School Board relating to or arising out of any violation of these procedures.

Security. Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

Vandalism. Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

Charges. The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.

Enforcement. Software will be installed on the division's computers having Internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by School Board policy, or legal action.**

Responsibilities.

The Superintendent or Designee(s) shall provide and administer CCPS Internet services, Internet protocol (IP) addresses, and connectivity between the CCPS network infrastructure and the Internet service provider and shall manage the CCPS web servers.

The Superintendent or Designee(s) may direct Network Administrators to impose limitations on the retention, volume, and size of messages and data (including email) transmitted and stored on CCPS network resources to ensure the integrity of the network and maximize data flow for all users.

The Superintendent or Designee(s) may regulate the management and proper use of information system resources in the form of technical bulletins or memos.

Users are responsible for knowing and complying with CCPS rules, regulations and "acceptable use policies".

Central Office will provide information for school staff members and parents to promote a consistent and accurate understanding regarding appropriate use of network resources.

The principal, designee or supervisor will collect and maintain signed acceptable computer system use agreements from students and staff members.

The principal will establish expectations for student behavior when encountering inappropriate material.

The principal or designee will review the acceptable use policy with students and enforce rules of conduct necessary to foster appropriate student use of network resources.

The principal, designee or supervisor will collect and maintain signed acceptable computer system use agreements from students and staff members.

The principal will establish expectations for student behavior when encountering inappropriate material.

Teachers and lab monitors will practice classroom management and monitoring techniques to encourage appropriate use of network resources.

The Superintendent or Designee(s) will implement and monitor processes to inhibit, to the extent feasible, student access via network resources to content known to:

- Be obscene.
- Be harmful to juveniles.
- Be child pornography.
- Promote, encourage, or provide the skills to commit illegal activities.

Principals, ITRTs (Instructional Technology Resource Teachers) and Technology staff are responsible for the accuracy and appropriateness of materials posted on school or department web pages and for ensuring that the materials are consistent with official information posted by the school division.

If any CCPS employee, student, or network user becomes aware of inappropriate use of network resources, the person is expected to bring it to the attention of a responsible teacher, principal or technology staff member, who will determine if any applicable policy or regulation has been violated and take the appropriate action.



Adopted: November 12, 2001
Amended: August 5, 2004
July 17, 2008
June 22, 2009
October 14, 2013
June 23, 2014
July 14, 2020

PUBLISHED RULES AND REGULATIONS

Students shall comply with additional School Board policies and individual school policies published in each school's student handbook or otherwise brought to the student's attention, including the Culpeper County Public School's Student-Athletic Regulations.

