



Chesterfield County Public Schools

Standards for Student Conduct and Attendance • 2021-22

The school division's strategic plan establishes goals for academic achievement, 21st-century learning and technology, and citizenship and core values. Achieving these goals requires safe and secure school environments.

Discipline begins at home, and schools support families by reinforcing positive behavior. The Standards for Student Conduct and Attendance specify clear consequences, which Chesterfield County Public Schools consistently administers.

School attendance is also vital to academic achievement.

The attendance policy sets high expectations and establishes consequences for excessive and unexcused absences. Every day counts!

Please review with your child the requirements for student conduct and attendance, then fill out and return the form on the back cover of this booklet.

804-639-8666

Chesterfield County Public Schools

mychesterfieldschools.com • ccpsinfo@ccpsnet.net

School Board

Ann C. Coker • Bermuda District
Dorothy L. Heffron • Clover Hill District
Debbie G. Bailey • Dale District
Ryan M. Harter • Matoaca District
Kathryn S. Haines • Midlothian District

Superintendent

Dr. Mervin B. Daugherty

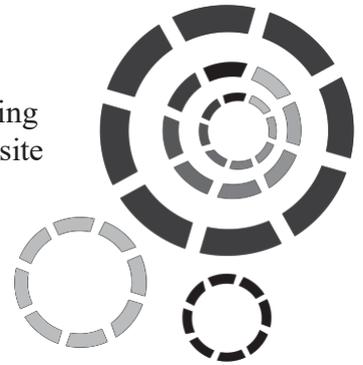
Director of Constituent Services and Student Leadership

Dr. Chad Knowles, 804-639-8666

Up-to-date information

Chesterfield County Public Schools is committed to providing up-to-date information to parents. The school division website (mychesterfieldschools.com) is a great way to keep up with news and activities. Here are others:

- Facebook (facebook.com/chesterfieldschools)
- Twitter (twitter.com/ccpsinfo)
- YouTube (youtube.com/ccpsva)
- Instagram (instagram.com/oneccps)
- Sign up for free newsletter at mychesterfieldschools.com
- Chesterfield EdTV on Comcast 98, Verizon 28 and online at chesterfieldschoolsva.swagit.com/original-programming/
- email ccpsinfo@ccpsnet.net, call 804-748-1405 or mail P.O. Box 10, Chesterfield, VA 23832



Other publications

In addition to this booklet detailing standards for student conduct and attendance, Chesterfield County Public Schools annually publishes a parent handbook with easy-to-read information designed to help families throughout the school year. Students receive the parent handbook to bring home in the opening days of the school year. It is also online at mychesterfieldschools.com.



Overview

Chesterfield County Public Schools is preparing more than 60,000 students to thrive in a rapidly changing world. Located in the heart of Virginia, Chesterfield County Public Schools is a successful and continually improving school system. Students, schools and employees achieve at high levels, and studies consistently show that Chesterfield schools are efficient and effective.

Vision

Create A Better Tomorrow

Mission

“Ignite passion through authentic and captivating experiences”

Core values

Integrity, Equity, Teamwork and Ingenuity

Goal#1: All students and staff will embody an Infinite Learner mindset

Goal#2: All Students, staff, parents, and community members will exemplify a culture of safety, personal responsibility, and supportive relationships



Table of contents

- 2-3 About Chesterfield County Public Schools
- 5-26 Standards for student conduct (School Board policy 4010-R)
- 26-27 Dress code (School Board policy 4009)
- 27-32 Attendance policy (School Board policy 4020)
- 33 Notes
- 34-37 Code of Virginia §22.1-254 (compulsory school attendance)
- 37-39 Code of Virginia §22.1-279.3 (parental responsibility)
- 39-42 Code of Virginia §22.1-279.4 (prosecution of juveniles as adults for certain crimes)
- 44 Form to sign and return to school

Information is also available online in the School Board section of mychesterfieldschools.com; policy 4010-R covers conduct, policy 4009 covers dress code and policy 4020 covers attendance.

Chesterfield County Public Schools is committed to nondiscrimination with regard to sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law. This commitment prevails in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business.



Standards for student conduct (School Board policy 4010-R)

A. Responsibilities

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

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

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

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

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

B. Definitions

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

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

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

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

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

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

Bullying -- Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying, but does not include ordinary teasing, horseplay, argument, or peer conflict.

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

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

Destructive Device -- Means (1) any explosive, incendiary, or poison gas, bomb, grenade rocket having a propellant charge of more than four ounces, missile having an explosive or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

School Property -- Means any real property owned or leased by the School Board or

any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

Short-Term Suspension -- Means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

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

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

Suspension from Extracurricular Activities -- A student's privilege to participate in all or certain extracurricular activities or school-sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular activities may be imposed in conjunction with other penalties. A student holding a leadership position, such as club and organization offices, and a student representing the school or school organization in contests, special delegations or honorary positions will give up the leadership position and opportunity to represent the school or its organizations beginning with the date of suspension. Additionally, team rules or organization constitutions or by-laws at the individual school level may deny participation beyond the term imposed by the school administration.

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

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

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

Warning and Counseling -- Warning and counseling are used where appropriate to assist a student to understand that the student's conduct interferes with the educational process,

threatens the rights of others, or is contrary to school policy or regulations and needs to be corrected.

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

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

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

1. Violation of Law and School Board Policy

Violations of law may be handled by referring the case to law enforcement officials in addition to the use of school disciplinary measures. All incidents involving assault; assault and battery; sexual assault; death; stabbing, cutting or wounding; alcohol, marijuana, synthetic cannabinoids, controlled substances, imitation-controlled substances, anabolic steroids; threats against school personnel; the illegal carrying of a firearm onto school property; any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or chemical bombs; or any threats or false threats to bomb will result in referral to law enforcement officials in accordance with Va. Code § 22.1-279.3:1. The principal or the principal's designee also shall notify the parent or legal guardian of any student involved in such an incident regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

2. Violation of School Regulations

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

3. Threats To Persons

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

4. Threats to Property

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

Range of consequences for 1 through 4 above in alphabetical order to be used alone or in combination as determined appropriate by the principal or enforcing authority:

- alternative placement
- community service
- confiscation of prohibited items
- counseling
- detention before/after school
- detention in school

- exclusion from class
- recommendation for expulsion
- recommendation for long-term suspension
- referral to law enforcement officials
- special assignments
- suspension from extracurricular activities
- suspension of computer privileges
- suspension out of school
- warning

5. Substance Abuse

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

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

Upon reasonable suspicion that a student is in violation of this regulation regarding substance abuse, the principal or the principal's designee may require that the student be tested for alcohol by use of an approved test by an administrator or tested for drugs at a designated facility, as appropriate. Reasonable suspicion is defined as a belief based upon objective facts and the rational inferences, which may be drawn from such facts or based on direct or reported observations. Factual foundations may include, but are not limited to, observation of the student's behavior or performance such as bloodshot eyes, dilated pupils, staggering, odor of prohibited substance, erratic behavior or other behavior uncharacteristic of the student, agitation, explosiveness, altercation or violence, excessive absenteeism and tardiness, lethargy, or apparent consumption of alcohol, marijuana, a synthetic cannabinoid or controlled substances. A student who refuses to submit to alcohol or drug testing in such cases may be disciplined, including, but not limited to, suspension or expulsion. A suspected violation may be referred to law enforcement officials. All incidents involving a violation of these prohibitions shall be reported to the principal.

Consequences for certain violations are as follows:

a. Alcohol

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

schedule:

First offense: (a) a ten day out-of-school suspension; (b) forty-five (45) school day suspension from participation in or attendance at all after-school or school-sponsored activities; (c) loss of parking privileges for 365 days. A student violating this policy when fewer than forty-five (45) school days remain in the school year will complete the remaining days of suspension from participating in or attendance at all after-school or school-sponsored activities beginning the first day of the next school year.

Second offense: a recommendation for extended suspension or expulsion.

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

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

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

First offense: (a) a ten day out-of-school suspension; (b) forty-five (45) school day suspension from participation in or attendance at all after-school or school-sponsored activities; (c) loss of parking privileges for 365 days. A student violating this policy when fewer than forty-five school (45) days remain in the school year will complete the remaining days of suspension from participating in or attendance at all after-school or school-sponsored activities beginning the first day of the next school year.

Second offense: a recommendation for expulsion.

c. Prescription Drugs

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

d. Over-the-Counter Drug

No student may have in their possession any over-the-counter drug, even if recommended or prescribed for the student’s use. The parent or legal guardian shall take all such items to

the office of the principal or the principal's designee for safekeeping and administration within prescribed procedures. Possessing, using, distributing, or receiving over-the-counter drugs by a student is prohibited and may result in a disciplinary action as determined by the principal.

6. Tobacco Violations

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

First offense: referral to resources to help overcome tobacco addiction

Second offense: three-day out-of-school suspension

Third offense: five-day out-of-school suspension

Fourth offense: ten-day out-of-school suspension

Fifth offense: suspension for a minimum of ten days and may include a recommendation for extended suspension or expulsion

7. Gang Activity

Criminal street gangs are defined in Va. Code § 18.2-46.1. Gang-related activity will not be tolerated in any school or at any school activity and may be subject to disciplinary consequences, to include out of school suspension and a recommendation for expulsion. Symbols of gang membership are expressly prohibited. Examples include clothing that symbolizes association, rituals associated with, or activities by an identified group of students. All suspected gang activity would be reported to the school's resource officer or other law enforcement representative.

8. Weapons:

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

9. Sexual Harassment

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

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

Sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-

based harassment, whether initiated by students, employees or third parties when:

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

Examples of school-related conduct that the school system considers unacceptable and often a part of sexual harassment include, but are not limited to, the following:

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

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

filing complaints that are free from bias, collusion, intimidation, or reprisal.

10. Hazing of Students

It is unlawful to haze or otherwise mistreat so as to cause bodily injury to any student at any school or in any school activity whether it is part of an initiation ritual for club or extracurricular activity membership or athletic program. Students found to be in violation will be suspended out of school for harassment. Any student found to be in violation and causing bodily injury to another student shall be referred to law enforcement consistent with Va. Code§ 18.2-56. Any student found guilty of hazing by the court system will be recommended to the School Board for expulsion. Complaints of hazing shall be reported to the building administrator to be investigated using the same procedures as for sexual harassment.

11. Bullying

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

12. Student Use of Technology

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

Any mobile device purchased and issued to students for their use by the Chesterfield County Public Schools (the “division”) shall remain the property of the division. Unless otherwise directed by the Superintendent or the Superintendent’s designee, all such mobile devices shall be returned by students to the division prior to the conclusion of each school year and prior to the student’s withdrawal from the division if earlier than the conclusion of the school year.

In addition, a student shall return the student’s division-owned mobile device immediately upon the request of any division teacher, administrator, or other division official.

a. Acceptable use of technology and electronic information systems by students includes:

- accessing research databases and libraries of information in the form of text, graphics, photographs, video, and sound;
- interacting and collaborating with others;
- acquiring knowledge and skills to support learning objectives;
- publishing opportunities; and
- extending teaching and learning opportunities.

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

County Public Schools reserves the right to block downloading from specific file extensions or specific sites. Students using Chesterfield County Public Schools' electronic information systems are subject to monitoring by Chesterfield County Public School personnel and school division contracted vendors. Students must sign an acceptable use agreement annually and students to whom a division-owned mobile device is issued as a part of a "mobile device program," shall sign a Student Mobile Device Usage Agreement Form.

Chesterfield County Public Schools may provide students with access to online educational services and websites purchased through contracts with educational companies and vendors.

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

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

b. Unacceptable use of technology and electronic information systems by students includes, but may not be limited to:

- sending or accessing material containing obscene or sexually explicit language or images, to include sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on any cell phone, computer or other electronic means during school hours or activities on or off campus, while on school division property, during any recess, lunch or leave periods on or off school division property, by use of school division property, or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school or the educational process or experience;
- sending electronic communications containing inappropriate, profane, obscene, abusive, or offensive language;
- sending electronic communications conveying a threat against any student, school personnel, or school property;
- using on any school bus or within any school or classroom a personal device to monitor, listen, or record any conversation, classroom instruction, or other activity;
- failing to disable the monitoring, listening, or recording capability of any personal electronic device;
- providing personal or confidential information about another individual or sharing or exchanging passwords for purposes not appropriate to the educational

- program;
- using another student’s username and/or password to access accounts or for receipt of services;
- posting harassing, inflammatory, or threatening information about a person or event;
- violating copyright, privacy, plagiarism, or intellectual property laws;
- accessing material for commercial purposes that do not support the instructional mission;
- damaging any computers, computer systems, computer networks, or other electronic information systems;
- using Chesterfield County Public Schools’ electronic information systems for purposes that do not support the instructional mission;
- altering or attempting to alter school system data;
- circumventing internet filters that are managed by the Department of Technology, which shall include using a student’s personal internet access/provider during the school day; and,
- altering the configuration of any device owned by the Chesterfield County Public Schools that, among other things, masks its identity, prevents remote monitoring, or renders the device unable to perform its intended purpose(s).

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

- c. Penalties for improper use of technology by a student or a violation of the acceptable use agreement by a student may include:
- warning
 - conference with student or parent
 - in school detention
 - before or after school detention
 - suspension or termination of computer privileges
 - suspension out of school
 - recommendation for long-term suspension or expulsion
 - legal action
 - restitution

13. Use of Cellular Telephone or Other Personal Device by Students

Schools may establish procedures that allow a student to possess, turn on and use a personal cellular telephone or other personal device while on school property during the instructional day. Schools may also establish in these procedures that violations may result in confiscation of the cellular phone or other personal device and repeated violations could result in the loss of these privileges and may result in before or after-school detention or out of school suspension of up to ten days. A student found using a cellular telephone or other personal device during any testing situation will have the cellular telephone or other personal device immediately confiscated and will lose the privilege for the remainder of the school year. Any student, who uses a cellular telephone or other personal device for unlawful activity while on school property, or while

attending any school function or activity, will be subject to disciplinary action that may include out-of-school suspension or a recommendation for expulsion. Chesterfield County Public Schools is not responsible for lost or stolen personal cellular telephones or other personal electronic devices.

D. Search and Seizure

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

The school administration also has the right to search any student and the student's belongings when there is reasonable suspicion to believe that the student possesses an item that violates law or school policies and regulations, or that may be harmful to the school or its students. No student shall be strip searched without authorization from the Superintendent's designee.

E. Video Surveillance

As a component of a comprehensive safe school plan, video surveillance, with or without audio capability, may be used in the common areas of certain schools and on school buses to maintain the security of students, staff members and visitors. Surveillance equipment may or may not be monitored at any time. Video recordings may be used for disciplinary purposes. Law enforcement representatives in the course of a criminal investigation may view video recordings.

F. Disciplinary Authority Under Certain Circumstances

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

- charged with an offense relating to Virginia law or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- found guilty or not innocent of an offense relating to Virginia laws on weapons, alcohol or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the Superintendent pursuant to Va. Code §16.1-305.1
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled pursuant to Va. Code §§ 22.1-277, 22.1-277.06, 22.1-277.07, or 22.1-277.08.

G. Procedures for Suspension and Expulsion

1. Suspension for Ten Days or Less

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

- a. The student shall be apprised of the nature and facts of the alleged misconduct.
- b. The student shall be given an opportunity to explain the circumstances of the alleged misconduct from the student's perspective.
- c. The principal shall verify that the student has not been identified as a student with a disability or is suspected of being a student with a disability under the Individuals with

Disabilities in Education Act before suspending the student for more than an aggregate of ten days in a school year.

d. The student shall be informed of the conditions of the suspension, such as the conference with the parent or legal guardian prior to return, prohibition from coming on school property, and prohibition on attending scheduled school activities or school-sponsored events.

e. The principal shall execute a letter of suspension stating the condition of the suspension and the date that the student may return to school, the availability of community-based educational programs, alternative education programs, or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the school division shall be borne by the parent or legal guardian. Copies of the letter of suspension shall be given to the student, if possible, and mailed to the student's parent or legal guardian.

f. The parent or legal guardian shall be notified of the right to an appeal and the procedures for appeal.

g. Suspended students will be able to access and complete graded work during and after the suspension.

2. Emergency Suspension

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

3. Suspension in Excess of Ten Days

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

4. Expulsion

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

- nature and seriousness of the violation;
- degree of danger to the school community;
- student's disciplinary history, including the seriousness and number of previous infractions;

- appropriateness and availability of alternative education placement or programs
- student's age and grade level;
- results of any mental health, substance abuse or special education assessments;
- student's attendance and academic records; and
- other matters as deemed appropriate

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

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

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

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

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

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

If the Superintendent's designee upholds the recommendation of expulsion, the student shall be suspended until the School Board decides the matter. The Superintendent's designee may impose a lesser sanction. In cases involving weapons as described in the Va. Code § 22.1-277.07 or drugs as described in Va. Code § 22.1-277.08, the Superintendent's designee may conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. If a determination is made that another disciplinary action is appropriate, then the Superintendent's designee may implement that disciplinary action so long as it is taken in accordance with procedures related to student discipline in this regulation.

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

parent or legal guardian and the student. Upon a timely request for a hearing before the School Board, the Superintendent's designee shall notify the student and the parent or legal guardian of the time and place of the hearing.

5. School Board Hearing

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

- a. The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
- b. The School Board may ask for opening statements from the principal or the principal's representative and the student or the parent, legal guardian or representative and, at the discretion of the School Board, may allow closing statements.
- c. The parties shall then present their evidence. The principal has the ultimate burden of proof and shall present evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representatives). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination; provided, however, that the School Board may take testimony of a student witness outside the presence of the student in the discipline case, the parent, legal guardian or their representative if the School Board determines, at its discretion, that such action is necessary to protect the student witness.
- d. The parties shall produce such additional evidence the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
- e. Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made part of the record.
- f. The School Board may, by majority vote, uphold, reject, or alter the recommendation.
- g. The School Board shall transmit its written decision to the student, the parent or legal guardian, the principal and Superintendent, including the reasons therefore, the length of the expulsion, the availability of community-based educational programs, alternative education programs or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the division shall be borne by the parents.

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

period as may be established by the School Board in the notice of expulsion.

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

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

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

1. A parent or legal guardian shall submit a written letter of appeal to the principal of the school within two administrative working days of notification of the suspension. The parent or legal guardian should state specifically the reasons for the appeal and consider the following before appealing a suspension: (a) whether the facts warrant the suspension, (b) if the consequences were appropriate for the behavior, and (c) whether school and county procedures were followed. The principal shall review the suspension, all the evidence, and render a written decision as soon as possible but within three working days.
2. To appeal further, the parent or legal guardian shall submit written notice to the principal, within two administrative working days of the principal's decision to uphold the suspension, requesting that the principal forward the letter of appeal and all documentation to the Superintendent's designee for a review. The Superintendent's designee shall review the information, gather additional information, or conduct a hearing if necessary, and render a written decision. For suspensions of ten days or less, the decision of the Superintendent's designee shall be final.

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

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

1. When a student has been suspended more than ten days by the Superintendent's designee, the student and the parent or legal guardian may appeal that decision to the School Board. Such an appeal must be in writing and must be filed within seven calendar days of the decision to suspend in excess of ten days. The parent or legal guardian should state specifically the reasons for the appeal and consider the following before appealing a suspension: (a) whether the facts warrant the suspension, (b) if the consequences were

appropriate for the behavior, and (c) whether school and county procedures were followed. Failure to file a written appeal within the specified time will constitute a waiver of the right to appeal.

2. The School Board shall, within 30 calendar days of the decision to suspend in excess of ten days, conduct a review of the record and render a written decision.

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

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

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

In excluding any expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon the student by the expelling school board. The School Board shall not impose additional conditions for readmission to school.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, a period that shall be established by the Superintendent's designee, the student may again petition the School Board for admission. If the School Board again rejects the petition for admission, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which the student may petition the School Board again for admission.

K. Discipline of Students with Disabilities

1. Definition

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

2. Short-Term Suspension

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

- a. The principal is to keep a tally of the total number of days of suspension received by each disabled student. When a student has accumulated more than ten days of suspension in any single school year, the principal must refer the student to the coordinator of special education in the school for a review of the student's educational program and to consider whether the suspensions have effected a change in placement. More than ten cumulative days of short-term

suspensions in a single school year may be a change in placement requiring a manifestation determination review. A student with a disability may be removed from the student's current educational setting for a period of time that cumulatively exceeds ten school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. Isolated short-term suspensions for unrelated instances of misconduct may not be considered a pattern. Factors to consider in determining whether a change in placement has occurred are the length of each suspension, the proximity of the suspensions, and the total number of days suspended in a single year. If it is determined that this suspension would result in a change in placement, then the procedures in Section 3 for Long-term Suspension and Expulsion must be followed. Customary procedures for notice of evaluation and of the IEP meeting, including procedural safeguards, must be followed.

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

3. Long-Term Suspension and Expulsion

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

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

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

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

The student may not be suspended from school for more than ten days while the manifestation committee process is being followed unless the parent or legal guardian gives permission for a longer suspension or for a change in placement that may be homebound instruction. In the absence of parental consent, authorization for a longer suspension or change in placement may be sought from the court or from a hearing officer. Students with disabilities (1) who bring weapons to school or possess weapons on school premises or at a school function or (2) knowingly possess or use illegal drugs or sell or

solicit the sale of a controlled substance while at school or a school function may be removed from school for 45 calendar days. A student in these circumstances may be placed in an interim alternative education program without parental consent and regardless of whether the misconduct is a manifestation of the student's disability. This unilateral authority to remove the child from their IEP placement does not limit the authority of the administrator to recommend appropriate discipline.

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

d. In those cases where the handling of discipline is specified in the student's IEP, the IEP's provisions shall supersede this regulation. If prior to the misconduct occurring there is knowledge by the school that the student has a disability but has not yet been identified, the student is entitled to assert the protections afforded to identified students with disabilities.

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

The Policy (Policy 4010-R) is online at www.boarddocs.com/vsba/chesterfield/Board.nsf/Public

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-308, 18.2-308.1, 18.2-380.7, 18.2-433.1, 22.1-70.2, 22.1-253.13:7, C.3, 22.1-276.3, 22.1-277, 22.1-277.07, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.6, 22.1-288.2, 46.2-323, 46.2-334.001.

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

Dress code (School Board policy 4009)

All students who attend any public school in Chesterfield County are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is prohibited and may result in disciplinary consequences. Dress codes at Chesterfield Schools shall:

- permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows;
- maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender;
- not have a disparate impact on students of a particular gender;

- be clear, specific, and objective in defining terms, if used;
- prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire;
- prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming; and
- prohibit clothing that depicts language or images that are vulgar, discriminatory, or obscene; that contains threat such as gang symbols; that depicts illegal or violent behavior or items prohibited in a school setting, such as weapons, drugs, alcohol, tobacco products, nicotine vapor products, or drug paraphernalia.

The Policy (Policy 4009) is online at www.boarddocs.com/vsba/chesterfield/Board.nsf/Public

Cross Ref.: 4010 Rights and Responsibilities
4010-R Standards for Student Conduct

Attendance policy (School Board policy 4020)

A. Definitions The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Attendance Conference" means a face-to-face meeting, or an interaction that is conducted through the use of communication technology, at a minimum, after the sixth unexcused absence among school staff, parents, and student. The conference may include community representatives to participate in resolving issues related to nonattendance and revisions to the current attendance plan if necessary.

"Attendance Plan" means a plan developed jointly by a school representative, such as a school principal or a school principal's designee or attendance officer; parent; and student to resolve the student's absences and engage the student in regular school attendance. The plan shall identify reasons for absences and academic, social, emotional, and familial barriers that impede daily attendance along with positive strategies to address such reasons and impedances and support regular attendance. This plan may include school-based activities or suggested referrals to community supports, or both.

"Chronic Absenteeism" - means when a student misses 10% (18 full school days) or more of the school year, for any reason.

"Court Referral" means filing a complaint to the Juvenile and Domestic Relations Court after the student's seventh unexcused absence. Documentation of interventions regarding the student's unexcused absences, such as copies of the attendance plan and documentation of conference meetings, and compliance with § 22.1-258 of the Code of Virginia will be provided to the intake worker.

"Instructional School Day" means the length of a regularly scheduled school day for an individual student.

"Multi-Disciplinary Team" means a school-based team that may be convened to review student records and to participate in prevention, early intervention, and provision of support services to address unexcused absences, including school-based case management. These services should address academic, social, emotional, and familial issues in order to improve regular school attendance. Team members may include, but are not limited to, the following: an administrator, school counselor, social worker or psychologist, student assistance specialist, special education and regular education teacher, and attendance social worker.

"Parent" means the parent or parents, guardian or guardians, legal custodian or legal custodians, or other person or persons having legal control or charge of the student.

"Truancy" means the act of accruing one or more unexcused absences.

B. Generally

School attendance is critical to academic achievement and preparing students for the world of work and personal success. Each parent or guardian having charge of a child within the compulsory attendance age (the ages of five and eighteen) shall be responsible for the child's regular and punctual attendance at school as required under provisions of state law. For students age 18 or over, the requirements of this policy will apply to the student rather than the parent or guardian. Every teacher in every Chesterfield County school shall keep an accurate daily or class record of attendance of all children assigned. The Superintendent shall provide a copy of the compulsory school attendance law and this attendance policy to the parent or legal guardian of each student within the first calendar month of each school year.

C. Expectations

The School Board expects students and their parents or guardians to actively take responsibility for ensuring attendance, with support from the school. A student is expected to arrive on time and attend class for the full instructional period daily.

A student who is approved to participate in a school-sponsored field trip or other approved activity shall be counted as in attendance. Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative workstudy program. The Superintendent or the Superintendent's designee must approve all other exceptions to a full day schedule on an individual basis.

A student who is tardy to school or leaves early from school, regardless of whether it is excused or not, may disrupt the learning environment for all, and the student is missing valuable instruction time. Details regarding excused tardies are found in section C. The Directors of Elementary and Middle Schools shall establish and communicate guidelines on the length of time that constitutes a tardy to school or early dismissal from school.

High school students may spend a maximum of five (5) school days each academic year participating in High School to Work Partnerships established pursuant to guidelines developed by the Board of Education. A student may spend up to five (5) additional days each academic year, not to exceed a total of ten (10) school days each academic year, participating in High School to Work Partnerships with the principal's approval. Students who miss a partial or full day of school while participating in Partnership programs will not be counted as absent for the purposes of calculating average daily membership. Regulations will include procedures set by the School Board by which students may make up work missed while participating in a High School to Work Partnership.

An attendance officer, or a division superintendent or the superintendent's designed when acting as an attendance officer pursuant to Va. Code §22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to Va. Code § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228.

D. Excused Absences and Tardies

There are times when a student is unable to attend school. Each parent or legal guardian having charge of a child enrolled in Chesterfield County Public Schools shall notify (via phone call, written note, or email to school) the school each day their child is absent all or part of any school day with a reason acceptable to the school administration. An automated call will go to primary parent phone number when no parent notification is received.

Absences and tardies that may be considered excused upon parent notification to school include:

1. For middle and high school students, one school day per year to engage in a civic event;
2. Illness (if over two days, the school may require a note from a licensed health care provider);
3. Medical and dental appointments;
4. Court appearance;
5. Death in the family;
6. Extenuating circumstances, which may include absence(s) for non-school division related activities, as determined by the school administration.; and,
7. An absence from school resulting from a suspension or expulsion.

E. Unexcused Absences Intervention Process and Responsibilities

Unexcused absence means an absence where (i) the student misses their scheduled instructional school day in its entirety and (ii) no indication has been received by school personnel within three days of the absence that the student's parent is aware and supports the absence, or the parent provides a reason for the absence that is unacceptable to the school administration. The school administration may change an unexcused absence to an excused absence when it determines that the parent has provided an acceptable reason meeting criterion for the student's absence or there are extenuating circumstances.

The following intervention steps shall be implemented to respond to unexcused absences from school and to engage students in regular school attendance.

- 1.** Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence, or the parent provides a reason for the absence that is unacceptable to the school administration, an automated call will be generated to the parent(s)/guardian(s). The school staff shall record the student's absence for each day as "excused" or "unexcused." Early intervention with the student and parent or parents shall take place for repeated unexcused absences.
- 2.** When a student has five unexcused absences, the school principal or designee makes a reasonable effort to ensure that direct contact is made with the parent. The parent shall be contacted in a face-to-face conference, by telephone, or through the use of other communication devices. During the direct contact with the parent and the student (if appropriate), reasons for non-attendance shall be documented and the consequences of non-attendance explained. An attendance plan shall be made with the student and parent or parents to resolve the nonattendance issues. The student and parent may be referred to a schoolbased multi-disciplinary team for assistance implementing the attendance plan and case management.
- 3.** When a student has received six unexcused absences, school staff shall schedule a face-to-face attendance conference, or an interaction that is conducted through the use of communication technology, within 10 school days from the date of the student's sixth unexcused absence for the school year. The attendance conference must be held within 15 school days from the date of the sixth unexcused absence. The conference shall include the parent, student, and school personnel (which may be a representative or representatives from the multi-disciplinary team) and may include community service providers.
- 4.** When a student has reached seven unexcused absences, and the student has a history of chronic absenteeism, the student and family will be referred to the Attendance Office. The Attendance Social Worker shall work with the family to resolve attendance and address barriers to attendance, including possible referral to Chesterfield's Truancy Prevention Team. If the student continues to accumulate unexcused absences, the Attendance Social Worker will contact the Juvenile and Domestic Relations Court intake to file a complaint alleging the student is a child in need of supervision (CHINSup) or to institute proceedings against the parent. In addition to documentation of compliance with the notice provisions of § 22.1-258 of the Code of Virginia, all records of intervention regarding the student's unexcused absences, such as copies of the conference meeting notes, attendance plan, and supports shall be presented to the intake worker/clerk.
- 5.** A record shall be maintained of each meeting that includes the attendance plan, the name of individuals in attendance at each conference meeting (including via telephone or electronic devices), the location and date of the conference, a summary of what occurred, and follow-up steps.
- 6.** For purposes of data collection, truancy shall start with the first unexcused absence and will be cumulative. Excused and unexcused absences shall be counted for each individual student and shall be reported to the Virginia Department of Education as follows:
 - A.** All excused and unexcused absences as defined in this chapter for each individual student shall be collected.
 - B.** For each student with five unexcused absences, whether an attendance plan was developed, and if not, the reason.
 - C.** For each student with six unexcused absences, whether an attendance conference was scheduled, and if not, the reason.

D. For each student with six unexcused absences, whether an attendance conference was actually held, and if not, the reason.

E. For each student with seven unexcused absences, whether a court referral was made or if proceedings against the parent or parents were initiated and, if not, the reason.

F. Excessive Absences

For any student whose absences exceed, during a school year, more than ten school days or ten class periods of a course scheduled daily or five class periods of a course on the block schedule, the principal or principal's designee may require documentation beyond the written excuse.

Any student whose absences exceed, during a school year, 20 school days in a year or 20 class periods of a course scheduled daily or 10 class periods for a block class will not receive credit for the course unless the student completes tutoring or an alternate learning module as prescribed by the principal or principal's designee. The principal may require the parent, guardian or student to pay for the costs associated with tutoring or the alternative- learning module. The principal may waive this requirement upon consideration of extenuating circumstances. This consequence complies with the State Standards for Accrediting Public Schools that define the standard for awarding course credit for graduation. For elementary and middle school students, excessive absences may be a factor in decisions regarding a student's promotion to the next grade.

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

G. Make-Up Work

It is the student's responsibility, or the parent or guardian of an elementary student, to communicate with the teacher on the day they return to class to schedule the make-up of missed work.

Daily assignments that were given prior to a student's absence from school or from a particular course remain due the day the student returns to school. If any such assignment is not completed and submitted the day the student returns to school, the assignment will be considered late and will receive a grade in accordance with the teacher's published late work protocol. Likewise, a student is expected to complete or submit any formative or summative assessment that was assigned prior to the student's absence on the day the student returns to school. In extenuating circumstances, a teacher or administrator may extend an assignment's due date. No credit will be given for work that is not submitted by the student.

Long-term assignments, such as projects or research papers, remain due on the original due date notwithstanding a student's absence from school or from a particular course. If any such assignment is not completed and submitted on the original due date, the assignment will be considered late and will receive a grade in accordance with the teacher's published late work protocol. Likewise, a student is expected to complete or submit any formative or summative assessment on the original date the assessment was scheduled. In extenuating circumstances, a teacher or administrator may extend an assignment's due date. No credit will be given for work that is not submitted by the student.

Work assigned during the time a student was absent from school or from a particular course must be completed and submitted within the time limit that is established by the teacher, not to exceed six school days from the date the student returns to school. Any such school work that is not completed and submitted within the time limit that is established by the teacher will be considered late and will receive a grade in accordance with the teacher's published late work protocol. Likewise, a student is expected to complete and/or submit any formative or summative assessment within the time limit that is established by the teacher, not to exceed six school days from the date the student returns to school. In extenuating circumstances, a teacher or administrator may extend an assignment's due date. No credit will be given for work that is not submitted by the student.

For students in grades three through 12, all missed work that is submitted, but not within the time limit established by the teacher, will receive a grade in accordance with the teacher's published late-work protocol. The principal or principal's designee, however, may consider extenuating circumstances in extending the time limit.

1. Elementary

Elementary students must bring a note from the parent or guardian stating the reason for the absence or follow other notice procedures as determined by the school. Because of the formative aspect of elementary instruction, all elementary school students are expected to make up work missed because of absence, regardless of reason. Refer to Section E above for the timeline that applies to make-up work.

2. Secondary

A teacher, with prior notice to students, may lower the grade on work that is submitted after it is due even if the late work is not the result of a student's absence.

H. Release of Students

Principals shall not release a student during the school day to any person not authorized by the student's parent or legal guardian. Students shall be released only on the request and authorization of the parent or legal guardian. The burden of proof that the release is authorized is on the person receiving the student. Schools will maintain a formal checkout system to ensure this requirement is met.

I. Absences Due to Observance of Religious Holiday

Notwithstanding any provision to the contrary, a student's absence shall be excused if such absence was for the purpose of observing a religious holiday. Further, no student may be deprived of any award or of eligibility or opportunity to compete for any award, or be deprived of the right to take an alternate test or examination which the student missed by reason of such absence, if the absence is verified in an acceptable manner.

The Policy (Policy 4020) is online at www.boarddocs.com/vsba/chesterfield/Board.nsf/Public
Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-254, 22.1-279.3, 46.2-323, 46.2-334.01 and 54.1-3900.

Cross Ref.: 3050 Alternative Instructional Options, 3090 Field Trips, 4010 Rights and Responsibilities, 4010-R Standards for Student Conduct, 6137 Parental Rights and Responsibilities

[VSBA: IC/ID, JEA, JED]

Code of Virginia, Section 22.1-254 – Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article

A. As used in this subsection, “attend” includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

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

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

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1- 253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, “bona fide religious training or belief” does not include essentially political, sociological or philosophical

views or a merely personal moral code; and

2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or
2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. Career guidance counseling;
2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;
3. Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;
4. Successful completion of the course in economics and personal finance required to earn a

Board of Education-approved high school diploma;

5. Counseling on the economic impact of failing to complete high school; and

6. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection C of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the

parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

I. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;
3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

Code of Virginia, Section 22.1-279.3 – Parental responsibility and involvement requirements

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall

include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.

E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school principal may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

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

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:

1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or
2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to

participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

Code of Virginia, Section 22.1-279.4 – Laws Regarding the Prosecution of Juveniles as Adults for Certain Crimes

The Virginia Department of Education provided this information via superintendent's memo on Feb. 24, 2012:

The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults:

Section 22.1-279.4 of the Code of Virginia states: School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.

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

Who is a juvenile?

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

How is the age of the juvenile calculated?

Section 16.1-241 of the Code of Virginia provides that for the purpose of transferring a juvenile to circuit court for trial as an adult, the child must have been age 14 or older at the time of the offense.

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

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

Circumstance #1

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

- Class 1 felony — death if the person convicted was 18 years of age or older at the time of the offense and is not determined to be Intellectually Disabled and a fine of not more than \$100,000.

If the person was under 18 years of age at the time of the offense or is determined to be Intellectually Disabled the punishment shall be imprisonment for life or imprisonment for life and a fine of not more than \$100,000.

- Class 2 felony — imprisonment for life or for any term not less than twenty years or imprisonment for life or for any term not less than twenty years and a fine of not more than \$100,000.
- Class 3 felony — a term of imprisonment of not less than five years nor more than twenty years or a term of imprisonment of not less than five years nor more than twenty years and a fine of not more than \$100,000.
- Class 4 felony — a term of imprisonment of not less than two years nor more than ten years or a term of imprisonment of not less than two years nor more than ten years and a fine of not more than \$100,000.
- Class 5 felony — a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- Class 6 felony — a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. (§§ 18.2-9 and 18.2-10 of the Code of Virginia)

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

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

- The juvenile's age

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

Circumstance #2

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

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

Circumstance #3

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

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

If a juvenile is transferred for prosecution as an adult on one offense, what happens if they have also been charged with other offenses?

If any one charge is transferred, all other charges of delinquency arising out of the same act will be transferred. (§ 16.1-269.6 of the Code of Virginia)

Does the transfer impact subsequent alleged criminal offenses?

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

What happens when an adult is sentenced for a crime they committed as a juvenile?

When the juvenile court sentences an adult who has committed, before attaining the age of 18,

an offense which would be a crime if committed by an adult, the court may impose a penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. (§ 16.1-284 of the Code of Virginia)

What can happen if a juvenile is tried as an adult?

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

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

Get to know Chesterfield County Public Schools

Academics

- 100 percent of schools accredited
- 92 percent on-time graduation rate
- 96 percent daily attendance rate
- \$25.7 million in scholarships for class of 2020
- 7,572 positions in operating fund

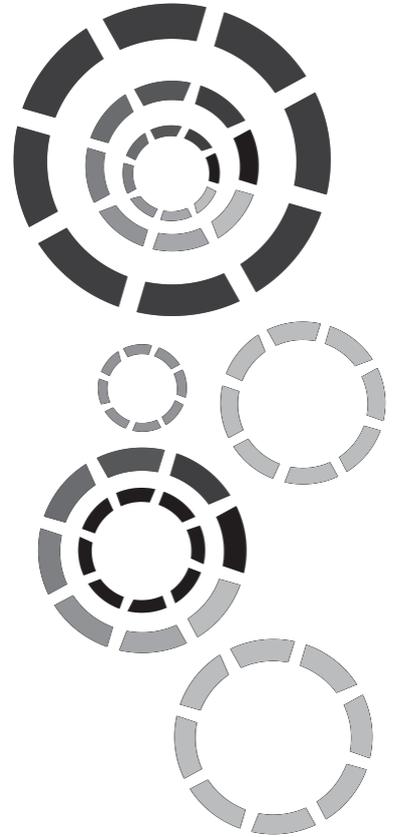
Schools

- 7 National Blue Ribbon Schools
- 7 National Title I Distinguished Schools
- 7 Middle Schools to Watch
- 17 Virginia Index of Performance awards
- 62,000+ students
- 65 schools

Operations

- \$703.6 million operating budget
- 3.6 million miles traveled by buses per year
- 7 million meals served per year
- 60,000 devices used by students
- Diverse community of learners

**Please fill out the form on the next page, tear at perforation,
then return to your child's school.**



Chesterfield County Public Schools
Innovative. Engaging. Relevant.

P.O. Box 10, Chesterfield, VA 23832
804-639-8666

Please fill out this form, tear at perforation, then return to your child's school.

Student _____

School _____

I acknowledge

- receipt of the Chesterfield County School Board's Standards for Student Conduct and Attendance and printed therein School Board policy 4009 (dress code) and Code of Virginia sections 22.1-254 (compulsory school attendance), 22.1-279.3 (parental responsibility) and 22.1-279.4 (prosecution of juveniles as adults for certain crimes). I have reviewed the contents.
- receipt of a parent handbook from the school attended by my child. I have reviewed the contents.
- that signing below only signifies receipt and review of the documents and furthermore that by signing this statement of receipt, I am not waiving but expressly reserving my rights protected by the Constitution or laws of the United States or commonwealth of Virginia and my right to express disagreement with the school's or school division's policies or decisions.

Signature of parent/guardian _____ Date _____

Signature of student _____ Date _____

Comments