

Cumberland County Public  
Schools

# CODE OF STUDENT CONDUCT



2023-2024

CUMBERLAND COUNTY PUBLIC SCHOOLS  
2023-2024 CALENDAR

<u>MONTH</u>	<u>ACTIVITY</u>	In-service Days	Teaching Days	Total Days
<u>JULY</u> 26-27 31	Teacher Flex Days; New Teacher Institute Convocation Day/Professional Learning Day	1	0	1
<u>AUGUST</u> 1-2 3 4 7-8 <b>9</b>	Teacher Workdays Teacher Workday/Professional Learning (8:00-12:00 P.M.) Open House (1:00-6:00 P.M.) Teacher Workday/Professional Learning Day (School Closes at 12:00 P.M.) Teacher Workday/Professional Learning Day <b><u>School Begins for Students</u></b>	6	17	23
<u>SEPTEMBER</u> 1 <b>4</b> 11	Early dismissal for students (12:00 P.M.) <b><u>LABOR DAY HOLIDAY</u></b> Interim Reports	0	20	20
<u>OCTOBER</u> 6 9 12 19	Early dismissal for students (12:00 P.M.) Professional Learning Day/Teacher Workday End of 1 <sup>st</sup> Nine Weeks Report Cards	1	21	22
<u>NOVEMBER</u> 14 <b>22-24</b>	Interim Reports <b><u>THANKSGIVING HOLIDAY</u></b>	0	19	19
<u>DECEMBER</u> 2 19 <b>20-29</b>	Betty G. Scales Day of Service (celebrated on Dec. 1) End of Semester (12:00 P.M. Dismissal for Students and Staff) <b><u>WINTER HOLIDAY</u></b>	0	13	13
<u>JANUARY</u> <b>1</b> 2 <b>3</b> 9 <b>15</b>	<b><u>NEW YEAR'S DAY</u></b> (Schools Closed) Teacher Workday/Professional Learning Day (Schools Closed—Teachers Work from Home—Offices Open) <b><u>Schools Reopen/Second Semester Begins</u></b> Report Cards <b><u>MARTIN LUTHER KING HOLIDAY</u></b> (Schools Closed)	1	20	21
<u>FEBRUARY</u> 5 16 19	Interim Reports Early Dismissal for Students (12:00 P.M.) Professional Learning Day/Teacher Workday (Schools Closed)	1	20	21
<u>MARCH</u> 7 14 29	End of 3 <sup>rd</sup> Nine Weeks Report Cards Schools Closed (Snow Make-up Day)	0	20	20
<u>APRIL</u> <b>1-5</b> 17	<b><u>SPRING BREAK</u></b> Interim Reports	0	17	17
<u>MAY</u> <b>3</b> <b>10</b> <b>17</b> 20-22 <b>27</b>	<b><u>SENIOR PROJECT PRESENTATIONS</u></b> (Schools close at 12:00 P.M. for Students) <b><u>GRADUATION DAY</u></b> <b><u>LAST DAY FOR STUDENTS</u></b> (Schools close at 12:00 P.M. for Students/End of Second Semester) Teacher Workdays/Professional Learning Days <b><u>MEMORIAL DAY</u></b>	3	13	16
	Graduation	0.5	--	0.5
	Monday Instructional Workshops (4)	1	--	1
	After-school Parent/Teacher Conferences (October)	0.5	--	0.5
	Flex Days Approved by Schools	5	--	5
<u>TOTAL</u>		<u>20</u>	<u>180</u>	<u>200</u>

**NOTE:** Flex days can include participation in Back to School Nights, Fall Festivals, Nights of Excellence, Winter Musicals, Innovation Nights, STEM Nights, World Language Nights, Prom, or other events approved by the building principals. New teachers count New Teacher Institute Days as Flex Days.

### Inclement Weather Make-up Schedule

**In the event that the school division is unable to switch to remote-learning days, the following days are designated as make-up days for school closing due to inclement weather:**

October 9, 2023  
January 2, 2024  
February 19, 2024  
March 29, 2024  
May 20, 2024  
May 21, 2024  
May 22, 2024  
May 23, 2024

*\*\*The Superintendent reserves the right to make changes in the make-up days as deemed necessary for the efficient operation of the school division.*

**Any missed in-service/workdays/professional learning days that are used for instructional days will be made up on dates announced later.**

#### **Nine weeks dates:**

1<sup>st</sup> August 9—October 12 (45 days)  
2<sup>nd</sup> October 13—December 19 (45 days)

3<sup>rd</sup> January 3 – March 7 (45 days)  
4<sup>th</sup> March 8- May 17 (45 days)

#### **Interim dates:**

1<sup>st</sup> September 11  
2<sup>nd</sup> November 14  
3<sup>rd</sup> February 5  
4<sup>th</sup> April 17

#### **Report card dates:**

1<sup>st</sup> October 19  
2<sup>nd</sup> January 5  
3<sup>rd</sup> March 14  
4<sup>th</sup> May 22

Student's Name: \_\_\_\_\_ Student ID#: \_\_\_\_\_ School: \_\_\_\_\_

**I. Receipt of Code of Student Conduct**

As required by Section 22.1-279.3 of the Code of Virginia, Cumberland County Public Schools (CuCPS) provides this Code of Conduct for the purpose of distribution to parents and students the Cumberland County School Board's standards of student conduct and Virginia's compulsory school attendance law. State law also requires that each parent of a public school student sign and return a statement acknowledging receipt of the School Board's standards of student conduct and the compulsory school attendance law.

**Please sign the statement below to acknowledge receipt of the Code of Student Conduct, Virginia's compulsory school attendance law and all other information contained in the Code of Conduct and return this page to your child's school.** By signing this statement, parents recognize their responsibility to assist the school in enforcing standards of conduct and attendance but do not waive their rights protected by the Constitution or laws of the United States or the Commonwealth of Virginia. Parents have the right to express disagreement with a school's or the school division's policies or decisions.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

**The Code of Student Conduct can be found online at [cucps.k12.va.us](http://cucps.k12.va.us).  
Contact your student's school if you wish to receive a hard copy of the Code of Student Conduct.**

**II. Authorization to Photograph/Videotape Physical Likeness**

I grant permission to Cumberland County Public Schools to photograph my child and use his/her picture, silhouette, or other reproductions of physical likeness in connection with publications (e.g., newsletters, website, brochures), videotapes, news releases, or television broadcasts of Cumberland County Public Schools.

Yes  No

I grant permission to photographers representing Cumberland County Public Schools to photograph my child for the school yearbook and release my child's full name, grade level and/or homeroom teacher to the yearbook publisher.

Yes  No

I grant permission to my child's school to release mailing label information to school picture/yearbook photographers.

Yes  No

My signature below indicates that I have read and understand the meaning and effect of this release.

Agreed and accepted:

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

**III. Directory Information**

In accordance with state and federal law on the release of student records, no personal or confidential information concerning a student will be released without written consent of the parent or guardian. Certain types of information about students are considered *directory information*, however, and these can be disclosed by the school division or the student's school. Parents/guardians must submit a written non-disclosure request to the student's school to restrict disclosure of the information that is considered directory information. This non-disclosure request must be received by the student's school administration no later than ten (10) school days from the date on which the parent/guardian receives this notice regarding directory information. **Please place a check in the box indicating any items that you do not permit Cumberland County Public Schools to disclose.**

**DO NOT DISCLOSE**

- Student's name, gender, date and place of birth, and dates of attendance
- Student's participation in officially recognized activities and sports
- Student's height and weight if he or she is a member of an athletic team
- Awards and honors or degrees received by a student
- Yearbook photographs of the student
- Student's name and honors received to members of the Virginia General Assembly (for the purposes of congratulatory communication only)

Virginia law prohibits Cumberland County Public Schools from disclosing a student's address, telephone number, or email address unless the parent or eligible student (i.e., student 18 years of age or older) has affirmatively consented in writing to such disclosure. **Please place a check in the box indicating those items that you authorize Cumberland County Public Schools to disclose.**

**CUMBERLAND COUNTY PUBLIC SCHOOLS MAY DISCLOSE THE FOLLOWING:**

- Student's address
- Student's telephone number
- Student's email address

**Note: According to Section 99.36 of the Family Educational Rights and Privacy Act (FERPA) regulations, educational agencies and institutions may disclose information from educational records to appropriate parties, including parents, whose knowledge of the information is necessary to protect the health or safety of a student or another individual if there is a significant and articulable threat to the health or safety of a student or other individual, considering the totality of the circumstances.**

Complete, sign and date the form on the lines below and return it to the child's school within ten (10) school days from the date on which you received this notice.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

# TECHNOLOGY USE GUIDELINES

All use of the Cumberland County School Division's computer system shall be consistent with the school board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the Internet and other electronic services and any other internal or external network. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

## Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.
2. **Privilege.** The use of the division's computer system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
  - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
  - sending, receiving, viewing or downloading illegal material via the computer system.
  - unauthorized downloading of software.
  - using the computer system for private financial or commercial purposes.
  - wastefully using resources, such as file space.
  - gaining unauthorized access to resources or entities.
  - posting material created by another without his or her consent.
  - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
  - using the computer system while access privileges are suspended or revoked.
  - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
  - intimidating, harassing, bullying, or coercing others.
  - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
  - Be polite.
  - Users shall not forge, intercept or interfere with electronic mail messages.
  - Use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
  - Users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
  - Users shall respect the computer system's resource limits.

- Users shall not post chain letters or download large files.
  - Users shall not use the computer system to disrupt others.
  - Users shall not modify or delete data owned by others.
5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to arising out of any violation of these procedures.
  6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
  7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.
  8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.
  9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.
  10. **Enforcement.** Software will be installed on the division's computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by school board**

Adopted: December 13, 1999

Revised: November 12, 2001  
 May 9, 2005  
 May 14, 2007  
 July 13, 2009  
 July 8, 2013  
 April 11, 2019  
 June 20, 2019

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Legal Refs: 18 U.S.C. §§ 1460, 2256.

## 47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

Cross Refs: GAB/IIBEA Acceptable Computer System Use  
GCPD Professional Staff Discipline  
JFC Student Conduct  
JFC-R Standards of Student Conduct

### School Board Goals

- Cumberland County Public Schools will be student centered.
- Cumberland County Public Schools will expand opportunities for learning that are equitable and collaborative for learning that empower students.
- Cumberland County Public Schools will develop committed stakeholders who build positive relationships. Stakeholders are defined as students, faculty and staff, parents and community members.

### Student Rights and Responsibilities

A student has all rights expressed and guaranteed by the United States Constitution and by federal, state, and local laws. These rights do not permit a student to disrupt the educational process, to break school rules, to present a health or safety hazard, or to disregard directions of those in authority. Individual rights do not include infringing upon the rights of others in the school community.

To the extent permitted by applicable law, students have the right to the following:

- a public education without regard to gender, race, religion, national origin, or any reason not related to their individual capabilities;
- an orderly school and classroom environment which will allow optimum learning, emphasizing the values of responsibility, kindness, fairness, and safety; and
- freedom of expression in speech, writing, or symbols, consistent with their constitutional rights and school Board policy.

Students have the primary responsibility to maintain a climate of mutual respect and trust in order that the dignity of the individual be protected and the pursuit of opportunities for each student be realized.

Students are responsible for the following:

- knowing and complying with any rules or regulations of the school Board, as well as local, state, and federal laws;
- attending school regularly, equipped with the materials needed to attend class and complete

- class assignments and/or requirements; and
- contributing to a climate of mutual respect for all within each school so that the hopes and ambitions of all individuals may be realized.

### **Disciplining Students with Disabilities**

Disciplinary actions for students with disabilities will be determined in accordance with all relevant state and federal laws and regulations. A copy of Regulations Governing Special Education Programs for Children with Disabilities is available from the [Virginia Department of Education website](#). Additional information concerning disciplinary actions for students with disabilities is available in the [Section 504 Handbook](#).

### **Parental Rights and Responsibilities**

Each parent/guardian has the duty to assist the school in enforcing the Code 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. Any school principal may request a student's parent/guardian (or parents, if both parents have legal and physical custody of such student) to meet with the principal or his designee to review the Code 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 the compulsory school attendance law, and to discuss improvement of the child's behavior and educational progress.

### **Due Process**

Students facing suspension have a property right to an education guaranteed under the 14th Amendment which may not be taken away without due process. For suspensions of ten (10) days or less, the student must be given oral or written notice of the charges and, if he/she denies them, an explanation of the evidence and an opportunity to present his/her side of the story.

Virginia law requires more due process than required by the Constitution. Virginia law requires the following for suspensions of "not more than ten days":

- oral or written notice to the student of the charges against him/her;
- if he/she denies them, an explanation of the facts and the opportunity to present his/her version;
- notification of the facts in writing by the administrator to the division superintendent or designee and to the parent(s)/guardian; and
- if requested by either party, a review of the facts of the case by the superintendent or his/her designee to "confirm or disapprove" the action.

Virginia law requires the following due process for suspensions of longer than ten (10) days:

- written notice to the students and his/her parent(s)/guardian stating the proposed action, reasons for it, and a statement that the suspension can be appealed to the superintendent or his/her designee.



## Expectations for Student Conduct

An open, engaging, challenging atmosphere is most conducive to the educational experience of all members of the school community. Therefore, students are expected to do the following:

- cooperate in the creation and maintenance of a healthy learning environment;
- conduct themselves in a safe and orderly manner;
- respect the rights of others during both curricular and extracurricular school programs;
- be present and on time for all scheduled activities;
- dress in a way that is appropriate and responsible;
- refrain from inappropriate behavior, including disruptive actions such as the use of profanity, obscenity, and/or demeaning remarks;
- safeguard the property of the school and protect the community's investment in it;
- refrain from cheating or plagiarizing on any assigned schoolwork; refrain from cheating, plagiarizing, or receiving assistance on any tests; and
- follow School Board policies and regulations.

## Student Dress Code

Student dress is an important factor in maintaining a positive educational environment. The School Board and school division staff rely on parents and students to support the division's emphasis on safety and avoiding disruptions in the learning environment. A student's dress and appearance should not cause disruption or compromise health or safety. This dress code applies to all school functions.

Note: Principals can make exceptions to the student dress code at their discretion to account for age appropriateness and special events.

1. For health and safety reasons, appropriate footwear, as determined by the building principal, must be worn at all times.
2. Skirts, dresses, jumpers, and shorts must completely cover the pelvic area and extend to the mid-thigh at all times, including while students are standing, sitting, or engaging in physical activity.
3. Clothing should not expose the student's back, midriff, chest, shoulders, navel, or private areas at any time.
4. Sleeveless garments must have 2- inch straps and not expose undergarments. Spaghetti straps, tube tops, halter tops, camis, and tank tops may be worn under tops, shirts, and blouses that have at least 2- inch coverage across each shoulder.
5. Yoga pants and leggings may be worn with tops that provide additional coverage of the pelvic area.
6. Pants and shorts must be worn and secured to prevent the student's undergarments from being exposed, to prevent the waistband from sagging below the student's hips, and to prevent the garment from dragging on the floor.

Students **MAY NOT WEAR** the following:

1. Clothing, jewelry, and other personal belongings displaying language or images that are vulgar, lewd, or obscene; that reflect adversely on or disparage another's race, gender, sexual orientation, skin color, religion, national origin, ancestry, or disability; that promote the use of

drugs, illegal substances, or alcohol; or that contain threats, gang symbols, symbols of groups associated with threatening or violent behavior, or groups that promote the unlawful use of weapons or other criminal behavior.

2. Sunglasses while inside school buildings unless required under a physician's prescription.
3. Heavy chains of any type or studded/spiked jewelry worn as accessories.
4. Pajamas or flannel pants (other than those sold by the school with the school name or mascot emblem), sleepwear, or swim wear.
5. Clothing that is constructed of see-through fabric, is revealing, or that resembles undergarments.
6. Clothing , including wraps/shawls/ that displays pictures/symbols, lettering, or insignia of organizations or groups associated with racial hatred or violence.
7. Physical education suits, except for physical education classes, special activities, and athletic events.

### **Conduct Violations and Accompanying Consequences**

Administrators and others with disciplinary authority, including teachers and bus drivers, have the responsibility to enforce all School Board policies and regulations. The following list of conduct violations and accompanying consequences is not meant to be all-inclusive. The School Board or appropriate school official may invoke disciplinary measures for conduct not listed, but which, by common understanding, a student would know or reasonably should have known would be conduct detrimental to the maintenance of good order and/or the academic process. The principal, with the approval of the division superintendent, has the authority to promulgate school rules consistent with the rules contained herein and to administer such rules. Violent, aggressive, dangerous offenses committed during prior school years may be considered in assigning consequences.

- Suspension from Extracurricular Activities - A student's privilege to participate in all or certain extracurricular activities and/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. Parents/guardians shall be notified of such suspension in writing. This includes ISS and OSS.
- In-School Suspension (ISS) - A student may be placed in the In-School Suspension program for the duration of a short-term suspension or as a part of a short-term suspension. Students on short-term suspension, which is any suspension of ten (10) days or less, receive credit for schoolwork made up after they return from suspension. Students in ISS are not permitted to participate in extracurricular activities or attend any after school activity until the day after their suspension ends. This includes ISS and OSS.
- Other Appropriate Measures - Student contracts, parental involvement, counseling, community and/or school services are other measures which may be used to improve student conduct.
- Referral to an Alternative Education Program - The School Board designee may, in accordance with the procedures set forth in this section and upon a finding that a student 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 an offense relating to the Commonwealth's laws on weapons, alcohol,

or drugs, or of a crime that resulted in or could have resulted in injury to others, or 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) found to have committed a serious offense or repeated offenses in violation of School Board policies; (iv) long-term suspended pursuant to the procedures in this section; or (v) expelled from school attendance pursuant to the procedures in this section, require the student to attend an alternative education program as provided in **Virginia Code** §§22.1-209.1:2 or 22.1- 277.2:1. A student who has been charged with certain felonies or misdemeanors and is placed in an alternative education program will remain in that placement until the charge has been resolved through the courts and the student has met all court-imposed conditions, such as community service, anger management counseling, etc.

- Out-of-School Suspension and Expulsion from School and/or School Buses - A student's privilege to attend school and/or ride a school bus may be suspended by the school principal, any assistant principal, or in their absence and in the case of short-term suspensions of less than ten (10) days, a teacher, according to all applicable law and to the procedures set out in this Code of Student Conduct and for the offenses contained herein.
- No student in preschool through grade three will be suspended for more than three (3) days or expelled from school except as provided in **Code of Virginia** §§22.1-277.07 and 22.1-277.08, or when the student's offense involves physical harm or credible threat of physical harm to others.
- Referral to Authorities - In addition to the disciplinary action outlined in this *Code of Student Conduct*, any known violation of the law will be referred to the appropriate law enforcement authorities.

Preventive and/or corrective measures available to school administrators include but are not limited to the following:

- Warning
- Teacher Removal of Student from Class (as authorized by Code of Virginia §22.1-276.2)
- Suspension from Extracurricular Activities
- In-School Suspension
- Referral to Disciplinary Committee
- Out-of-School Suspension
- Expulsion from school and/or School Bus (vehicle)
- Referral to Authorities
- Other Appropriate Measures

Students are subject to corrective action for any misconduct that occurs in the following locations/situations:

- in school or on school property, including in student-driven vehicles located on school property, **and** at bus stops;
- in or on a school vehicle;
- while participating in or attending any school sponsored activity or trip;
- on the way to and from school;
- communicating using social media, text messages, or other electronic means, whether during or outside of school hours, if the communications cause a disruption in the school environment;

and,

- off school property, when the student has been charged with an offense relating to the Commonwealth's laws on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to subsection G of §16.1-305.1 of the **Code of Virginia**; or when the student has been found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to subsection G of §16.1-305.1 of the **Code of Virginia**.

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

## Student Behavior Categories

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

<b>Behaviors that impede Academic Progress (BAP)</b>	These behaviors impede academic progress of the student or of students. They are typically indicative of the student's lack of self-management or self-awareness. Sometimes, the student may need help in understanding how the behavior impacts others so training in social awareness may also be indicated.
<b>Behaviors related to School Operations (BSO)</b>	These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills.
<b>Relationship Behaviors (RB)</b>	These behaviors create a negative relationship between two or more people that does not result in physical harm. Relationship behaviors impact the whole school community in that the school climate is often a reflection of how people treat one another. Students who exhibit difficulty with relationship behaviors may also have difficulty with the other social-emotional competencies.
<b>Behaviors that present a Safety Concern (BSC)</b>	These behaviors create unsafe conditions for students, staff, and visitors to the school. The underlying reasons for this type of behavior may lie in any of the social emotional competencies so the administrator should investigate the underlying motivation for the student's behavior. Training in social awareness and decision-making are usually indicated in any behavior that creates a safety concern.
<b>Behaviors that Endanger Self or Others (BESO)</b>	These behaviors endanger the health, safety, or welfare of either the student or others in the school community. Behaviors that rise to this level of severity are often complex. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.

The categories are a means to sorting behaviors in order to apply leveled administrative responses to student behaviors.

## Leveled Systems of Disciplinary Responses and Instructional Interventions

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

Delivering disciplinary responses to unwanted behaviors is often a needed but never sufficient strategy for reducing inappropriate behavior. Therefore, leveled systems of disciplinary responses should always be only one part of more comprehensive policy around behavior that includes instructional, preventive and proactive strategies as described earlier in this document. The delivery of disciplinary responses should only serve 4 key functions:

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

## Leveled Administrative Responses to Student Behavior

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

All referrals to an administrator should include communication with the family. Family involvement is critical to addressing student behavior.

### LEVEL 1 RESPONSES

**Level 1 responses are intended to prevent further behavioral issues while keeping the student in school.**

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- Re-teaching or modeling of desired behavior
- Recognize/Reward appropriate behavior
- Written reflection or letter of apology
- Peer mediation or conflict resolution
- Behavior progress chart
- Restitution
- In-school suspension (Up to 2 days) with behavioral instruction and academic support
- Seat change
- Loss of school privileges
- Confiscation of item or device by the administration
- Administrator/Teacher/Parent/Guardian conference
- Administrator/Student conference and/or Administrator/Student/Teacher conference
- Community Service (appropriate to correct the behavior)

### LEVEL 2 RESPONSES

**Administrative responses and interventions at this level are designed to prevent further behavior issues and keep the student in school. Depending upon the severity of the behavior, short-term removal of the student from the classroom may be appropriate.**

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- Student conference
- Administrator/Teacher/Parent/Guardian conference
- Check-In/Check-Out
- Mediation or conflict resolution
- Referral to Individualized Education Plan (IEP) team
- Schedule change
- Community service (appropriate to correct the behavior)
- Restitution
- Confiscation
- Temporary loss of privileges
- Administrator/Teacher/Counselor/Student conference (includes re-teaching of expected behavior)
- Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, and Problem Solving Team (ex. VTSS), Substance Use and Intervention Program)
- In-school suspension with behavioral interventions and/or restorative practices (one-three days)
- Referral for community-based services

### LEVEL 3 RESPONSES

**Dependent upon the severity, chronic nature of the behavior and/or safety concerns, Level 3 behaviors may result in the student's short-term removal from school.**

---

- Administrator/Teacher/Parent/Guardian Conference
- **Detention**---will remove for elementary
- Referral for community-based services
- Community service
- Revocation of privileges
- Restitution
- Referral to alternative education programs
- Referral to law enforcement where required

### LEVEL 3 RESPONSES

(continued from previous page)

**Dependent upon the severity, chronic nature of the behavior and/or safety concerns, Level 3 behaviors may result in the student's short-term removal from school.**

- 
- In-school suspension with restorative practices (three - five days ISS or 3 days OSS)
  - Referral to support services (e.g., School Counselor, Behavior Interventionist, Mentor Program, Problem Solving Team, Therapeutic Day Treatment (TDT), Substance Use and Intervention Program)
  - Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) Development (Special Education Students)
  - Functional Behavioral Assessment (FBA) and Behavior Support Plan (BSP) Development (General Education Students)
  - Short-term out-of-school suspension (one-three days for elementary students /one-five days for secondary students) with restorative circle or conference upon return
  - Behavior contract (developed with and signed by the student, parent/guardian, and school officials)
- 

### LEVEL 4 RESPONSES

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

- 
- Threat Assessment as indicated by the behavior
  - Referral to law enforcement as required
  - Long-term revocation of privileges
  - Parent-Administrator-Teacher-Student behavior contract
  - Restitution via written contract
  - Referral for community-based services
  - Schedule change
  - Short-term out-of-school suspension (for preschool to grade three students one to three days<sup>3</sup>, 4 to 10 days for fourth- to sixth-grade students, or 5 to 10 days for seventh- to twelfth-grade students)
  - Recommendation for a long-term suspension as determined by local policy or by *Code*.
- 

### LEVEL 5 RESPONSES

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

#### *Required School-based Administrative Responses to Level 5 Behaviors*

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

#### *Examples of superintendent or designee responses to Level 5 behavior*

- Long term suspension<sup>4</sup> Link: ([11 to 45 days as defined by HB1600 in 2018](#))
  - Alternative placement
  - Expulsion
- 

<sup>1</sup> [§ 22.1-276.01. Definitions](#). "Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days. For the purpose of data collection, removal from the student's home school for disciplinary reasons constitutes suspension.

<sup>2</sup> [§ 22.1-277](#) Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being 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 local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

<sup>3</sup> [§ 22.1-277](#) Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being 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 local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

<sup>4</sup> [§ 22.1-276.01](#) as amended by House Bill 1600 Approved March 23, 2018 "Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days. For the purpose of data collection, removal from the student's home school for disciplinary reasons constitutes suspension.

# Elementary Schools Leveled Responses to Student Behaviors

Behaviors that Impede the Academic Progress (BAP) of the student or of other students	LEVELS OF RESPONSE					
	1	2	3	4	5	SRO
Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	•					
Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	•	•				
Scholastic dishonesty (cheating, plagiarism)	•	•				
Unexcused tardiness to class	•					
Unexcused tardiness to school	•					

Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures	LEVELS OF RESPONSE					
	1	2	3	4	5	SRO
Altering an official document or record	•	•				
Giving false information, misrepresentation	•	•				
Refusal to comply with requests of staff in a way that interferes with the operation of school	•	•	•			
Failure to be in one's assigned place	•	•				
Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday School)	•	•	•			
Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	•	•	•			
Dress Code Violation	•	•				
Gambling (games of chance for money or profit)	•	•				
Possessing items that are inappropriate for school (examples include toys, literature, electronics)	•	•				
Possession of stolen items	•	•	•			•
Unauthorized use of school electronic or other equipment	•	•				
Violation of the Acceptable Use of Technology/internet policy	•	•				
Violation of school board policy regarding the possession or use of portable communication devices	•	•				
Vandalism, graffiti or other damage to school or personal property	•	•	•			•

Relationship Behaviors (RB) create a negative relationship between 2 or more members of the school community (No physical harm is done)	LEVELS OF RESPONSE					
	1	2	3	4	5	SRO
Bullying with no physical injury (See <a href="#">Model Policy to Addressing Bullying in Virginia's Public Schools</a> )	•	•				
Cyberbullying (See <a href="#">Model Policy to Addressing Bullying in Virginia's Public Schools</a> )		•	•			
Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability)	•	•	•			
Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	•	•	•			



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	LEVELS OF RESPONSE					
<b>Relationship Behaviors (RB) create a negative relationship between 2 or more members of the school community (No physical harm is done)</b>	1	2	3	4	5	SRO
Unwanted or inappropriate physical contact	•	•	•			
Posting, distributing, displaying or sharing material or literature that is libelous, including using electronic means to post such material	•	•				
Stealing money or property without physical force	•	•	•			•
Speaking to another in an uncivil, discourteous manner	•	•				
Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	•	•				
Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	•	•				
Failure to respond to questions or request by staff	•	•				

	LEVELS OF RESPONSE					
<b>Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school</b>	1	2	3	4	5	SRO
Alcohol: Possessing or using alcohol		•	•			•
Alcohol: Distributing alcohol to other students		•	•	•		•
Drugs: Possessing drug paraphernalia		•	•			•
Drugs: Violating school board non-prescription (over the counter) medication policy or look-alike drug policy		•	•			•
Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia, electronic cigarettes, vaping equipment		•	•			
Bullying Behavior without physical injury that continues after intervention (See Model Policy to Addressing Bullying in Virginia’s Public Schools) Bullying that leads to physical injury should be classified as Assault and Battery.			•	•		
Cyberbullying that continues after intervention (See Model Policy to Addressing Bullying in Virginia’s Public Schools) Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences.			•	•	•	
Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment		•	•	•		
Bus: Distracting the bus driver		•	•			
Bus: Endangering the safety of others on the bus		•	•			
Fire alarm: Falsely activating a fire or other disaster alarm			•	•		•
Fire related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	•	•	•			
Engaging in reckless behavior that creates a risk of injury to self or others	•	•	•			
Fighting that results in no injury as determined by the school administration	•	•	•			
Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	•	•	•			
Throwing an object that has the potential to cause a disturbance, injury, or property damage	•	•	•			

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Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school	LEVELS OF RESPONSE					
	1	2	3	4	5	SRO
Shoving, pushing striking a student with no visible injury	•	•	•			
Exposing body parts, lewd or indecent public behavior		•	•			•
Physical contact of a sexual nature – patting body parts, pinching, tugging clothing		•	•			•
Physical sexual aggression and/or forcing another to engage in sexual activity; Sexual Assault					•	•
Stalking as described in the <i>Code of Virginia section 18.2 -60.3</i>		•	•			•
Stealing money or property using physical force (no weapon involved)				•	•	•
Stealing money or property or attempting to steal money or property using weapons or dangerous instruments				•	•	•
Leaving school grounds without permission		•	•			
Trespassing		•	•			
Possessing dangerous instruments/substances that could be used to inflict harm upon another			•	•		•
Weapons: Possessing any weapon (other than a firearm) as defined by § 18.2-308.1				•	•	•

“Weapons” includes: (a) any stun weapon (as defined in Virginia Code § 18.2-308.1) or taser, (2) any knife having a metal blade three inches or longer, (3) any pistol, shot gun, revolver, rifle, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material, (4) any dirk, bowie knife, switchblade, ballistic knife, machete, razor, slingshot, spring stick, metal knuckles, or blackjack, (5) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchahka, nun chuck, nunchaku, shuriken, or fighting chain, (6) any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and may be known as a throwing star or oriental dart; or (7) any weapon of like kind as those enumerated above that can reasonably be considered a weapon so as to inflict bodily harm, injury, or threat of harm or injury (this may include toy or imitation weapons).

Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.	LEVELS OF RESPONSE					
	1	2	3	4	5	SRO
Assault: Intending to cause physical injury to another person		•	•			•
Assault and Battery: Causing physical injury to another person			•	•	•	•
Fighting: The use of physical violence between students or on another person where there is no injury as determined by the school administration		•	•			
Striking Staff: The use of force against a staff member when no injury is caused		•	•	•		•
Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications			•	•	•	•
Drugs: Being under the influence of controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications			•	•	•	•
Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications			•	•	•	•
Drugs: Distributing controlled substances or prescription medications or illegal drugs or synthetic hallucinogens or alcohol to another student(s)					•	•
Fire: Attempting to set, aiding in setting, or setting a fire <b>*Report to Fire Department *Restitution also required</b>		•	•	•		•
Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in <a href="#">§18.2-46.1</a>	•	•	•	•		•

**LEVELS OF RESPONSE**

<b>Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>SRO</b>
Hazing as defined in <a href="#">§18.2-56</a> and noted in <a href="#">§ 22.1-279.6</a>		•	•			•
Threatening, intimidating, or instigating violence, injury or harm to a staff member or members	•	•	•	•		•
Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s)	•	•	•			•
Possession of a firearm or destructive device as defined in <a href="#">§ 22.1-277.07</a>					•	•
Using any weapon to threaten or attempt to injure school personnel					•	•
Using any weapon to threaten or attempt to injure student(s), or other(s)				•	•	•
Bomb threat – Making a bomb threat		•	•	•		•

“Weapons” 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

## Suspensions

A suspended student may not enter any school building or come onto any school property during the period of suspension except with the prior permission of the principal. Any student who is suspended and who is also enrolled in a technical or vocational school shall be deemed suspended from the technical or vocational school. A student enrolled in a work cooperative program who is suspended also may be restricted from employment during the suspension.

### In-School Suspensions---Will Remove for Elementary School

A student may be assigned in-school suspension, where appropriate, as an alternative to out-of-school suspension by either the school principal, an assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may assign in-school suspension after giving the student oral or written notice of the charges against him/her, an explanation of the facts as known to school personnel, and an opportunity to present to student’s version of what occurred. A student assigned to in-school suspension may be suspended out of school if he/she becomes disruptive and/or non-compliant.

### Bus Suspensions imposed by the principal: Look up regulation\*\*\*\*\*

- If the parent/guardian or student disagrees with a suspension action taken by the principal, the parent/guardian and/or student may appeal to the Superintendent to review such action. The appeal must be submitted in writing within **two (2) days** of notification of the in-school suspension assignment. Failure to submit the appeal within this timeframe constitutes waiver of the right to appeal.
- The superintendent will review the action taken by the principal and confirm or disapprove such action based on an examination of the record of the student and will notify the parent/guardian of the decision in writing within five (5) days.
- The decision of the superintendent will be final.

### Short-Term Suspensions:

A short-term suspension may be imposed by either the school principal, any assistant principal, or, in

their absence, any teacher. Upon suspension of any student, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the school division's **superintendent** and to the parent or guardian of the student suspended. The principal, assistant principal, or teacher may suspend the student after giving the student oral or written notice of the charges against him/her, an explanation of the facts as known to school personnel, and an opportunity to present the student's version of what occurred. In the case of any student whose presence poses a continuing danger to persons or property, or whose presence creates an ongoing threat of disruption, the student may be removed from school immediately, and the notice, explanation of acts, and opportunity to present his/her version shall be given as soon as practicable thereafter.

Any oral or written notice to the parent/guardian of a student who receives a short-term suspension from school attendance shall include notification of the length of the suspension, information regarding the availability of community-based education programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program or alternative education program or educational option, which is not a part of the education program offered by the Cumberland County Public Schools, shall be borne by the parent/guardian of the student. However, when such notice is given orally, the omission of any required information will not automatically be grounds for the reversal of the suspension.

A student who receives a short-term suspension shall make up his/her work within 10 school days, beginning with and including the first day back at school. It shall be the responsibility of the student to initiate the effort necessary for making up work, but teachers shall provide such students the opportunity to do so.

**Short-Term Suspension: Appeal Process (The student will remain suspended while the appeal is pending.)**

- If the parent/guardian or student disagrees with a suspension action taken by an assistant principal, the parent/guardian and/or student may appeal the suspension to the principal or may petition the superintendent to review such action. The appeal must be submitted in writing **within two (2) days** of notification of the suspension assignment. Failure to submit the appeal within this time frame constitutes waiver of the right to appeal. The principal will notify the parent of the appeal decision in writing within three (3) days.
- If the parent/guardian or student disagrees with a suspension action taken by the principal, including a principal's review of a suspension action taken by an assistant principal, the parent/guardian and/or student may appeal to the superintendent to review such action. The appeal must be submitted in **writing within two (2) days** of notification of the suspension assignment. Failure to submit the appeal within this time frame constitutes waiver of the right to appeal.
- The superintendent will review the action taken by the principal, assistant principal or teacher and confirm or disapprove such action based on an examination of the record of the student and will notify the parent/guardian of the decision in writing within five (5) days.
- The decision of the **superintendent or his designee** will be final.

**Long-Term Suspensions/Alternative Education Assignments:**

A student may be recommended for a long-term suspension/alternative education assignment by a principal or assistant principal after the student and his/her parent/guardian have been provided written notice of the length of the recommended suspension/alternative education assignment, the reasons for the recommended suspension/alternative education assignment, the right to a hearing before the Superintendent's designee (Discipline Committee) information regarding the availability of community-based education programs, alternative education programs or intervention programs, and the student's right to return to regular school attendance upon the expiration of the suspension/alternative education assignment. The costs of any community-based education, alternative education, or intervention program which is not part of the education program offered by the Cumberland County Public Schools shall be borne by the parent/guardian of the student.

In addition to the imposition of a long-term suspension the School Board may permit or require students to attend an alternative education program approved/provided by the School Board for a period of school days if the student is found to have committed a serious offense or repeated offenses in violation of the Code of Student Conduct. Before requiring a student to attend such a program, the School Board will provide written notice to the student and parent(s)/guardian, stating that the student will be required to attend an alternative education program at the completion of the long-term suspension and that the student or parent/guardian may request and participate in a hearing before the Discipline Committee regarding such placement. The decision reached in the hearing shall be final unless altered by the superintendent upon a petition by the student or parent/guardian for a review of the record by the School Board. Such a petition must be submitted in writing to superintendent within five (5) days after his/her decision is communicated to the student and parent/guardian.

Written notice to the student and parent/guardian regarding the requirement to attend an alternative program shall state that the student is eligible to return to regular school attendance upon the completion of the alternative education program assignment. The costs of any community-based education, alternative education, or intervention program which is not part of the education program offered by the Cumberland County Public Schools shall be borne by the parent/guardian of the student.

*Long-Term Suspension/Alternative Education Assignment: Appeal Process (The student will remain suspended while the appeal is pending.)*

The Discipline Committee will conduct a hearing in which they receive evidence and hear testimony of witnesses on behalf of the student and on behalf of the school, including the parent/guardian, principal and other administrators. Within ten (10) school days following the suspension hearing, the parent/guardian/student will receive written notification of the decision reached by the Discipline Committee.

If after receiving written notification of the student's long-term suspension/alternative education assignment, the student/parent/guardian do not agree with or are not satisfied with the decision

reached in the hearing and wish to appeal the long-term suspension, the following process must be followed:

- The student/parent/guardian may present a written request to the superintendent, appealing the decision of the Discipline Committee. The request must be submitted to the superintendent **within five (5) school** days following the date of the written decision of the Discipline Committee.
- **The superintendent shall review the student's record and issue his/her decision, either approving or altering the decision reached in the hearing before the Discipline Committee, within thirty (30) days after the hearing before the Discipline Committee.----Check our policy!!! (page94...CHECK WITH DR. JONES.**

## Expulsion

A student may be expelled from attendance at school after receiving written notice from the School Board to the parent/guardian and student informing them of the following:

- proposed action;
- length of the expulsion;
- reason for the expulsion;
- rights of the student to a hearing before the School Board;
- availability of community-based programs for education, training and intervention programs;
- whether the student is eligible to return to regular school attendance or to attend an appropriate alternative education program approved by the School Board or an adult education program offered by Cumberland County Public Schools during or following the expulsion, and the terms or conditions of such readmission. The parent/guardian of an expelled student is responsible for paying the costs of any community-based educational, training, or intervention programs that is not part of the educational program offered by the school division.
- 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, the written notice shall advise the parents/guardians that the student may petition the School Board for readmission to be effective one (1) calendar year from the date of the expulsion and the conditions under which readmission may be granted. Such petition will be reviewed by the division superintendent or the School Board. If the division superintendent denies such petition, the student may petition the School Board for review of such denial.

Recommendations for expulsion shall be based on consideration of the following factors: (1) the nature and seriousness of the violation; (2) the degree of danger to the school community; (3) the student's discipline history, including the seriousness and number of previous infractions; (4) the appropriateness and availability of an alternative education placement or program; (5) the student's age and grade level; (6) the results of any mental health, substance abuse, or special education assessments; (7) the student's attendance and academic records; and (8) such other matters as the division superintendent or his/her designee deems appropriate. However, no decision to expel a student shall be reversed on the grounds that such factors were not considered. The School Board may consider any of

these factors as “special circumstances” when considering disciplinary action pursuant to **Virginia Code §22.1-277.07** and **§22.1-277.08**.

An expelled student may not enter any school building or come onto any school property during the period of expulsion except with the prior permission of the principal.

#### **Expulsion Related to Drugs and Alcohol**

The School Board shall expel from school attendance any student whom the School Board has determined, in accordance with the procedures set forth in this *Code of Student Conduct*, to have brought a controlled substance, including anabolic steroids, imitation controlled substance, marijuana, or other prohibited substance as defined in Virginia Code §18.2-247, onto school property or to a school-sponsored activity. A school administrator, or the School Board, may 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 superintendent or his/her designee is authorized to 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, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the **Code of Virginia**. Nothing in this paragraph shall be construed to require a student’s expulsion regardless of the facts of the particular situation.

#### **Expulsion Related to Drugs and Alcohol**

The School Board shall expel from school attendance any student whom the School Board has determined, in accordance with the procedures set forth in this *Code of Student Conduct*, to have brought a controlled substance, including anabolic steroids, imitation controlled substance, marijuana, or other prohibited substance as defined in **Virginia Code §18.2-247**, onto school property or to a school-sponsored activity. A school administrator, or the School Board, may 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 superintendent or his/her designee is authorized to 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, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the **Code of Virginia**. Nothing in this paragraph shall be construed to require a student’s expulsion regardless of the facts of the particular situation.

#### **Expulsion Related to Weapons and Destructive Devices**

Carrying, bringing, using or possessing any firearm, destructive device, or weapon in any school building, on school grounds, in any school-owned or -operated vehicle or at any school-sponsored event or activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action. The disciplinary sanction for bringing a weapon, firearm or destructive device to school, on a school-owned or -operated vehicle or to a school sponsored event or activity is expulsion for at least one year. A school administrator, or the School Board, may 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 division superintendent or his 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, any such subsequent disciplinary action is to be taken in accordance with the procedures set for the in Title 22.1, Chapter 14, Article 3 of the **Code of Virginia**. Nothing in this paragraph shall be construed to require a student's expulsion regardless of the facts of the particular situation. Violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

The JROTC shall not be prohibited from conducting marksmanship training when such training is a normal element of the program. The JROTC program may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

### **Exclusion**

- A student who has been expelled or suspended for more than thirty (30) days from attendance at school by a school board or a private school in the Commonwealth of Virginia or in another state, or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by the Cumberland County School Board, regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission. Such a student may be excluded after (i) written notice to the student and his/her parent(s)/guardian that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student and his/her parent to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his/her designee and the decision has been made to exclude the student from attendance.
- The decision of the division superintendent or his/her designee to exclude shall be final unless altered by the School Board, upon written petition to the School Board, within ten (10) school days following the decision, for a review of the record.
- In the case of a suspension of more than thirty (30) days, the term of the exclusion may not exceed the duration of such suspension.
- In excluding any such expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Virginia Code §22.1-277.06. The School Board shall not impose additional conditions for readmission to school.
- The School Board may permit or require excluded students to attend the alternative education program for the term of such exclusion.

### **Procedure for Teacher to Remove Student from Class**

Prior to the removal of a student from class under this Policy, the following criteria must be met:



- The student's behavior is disruptive as defined in this *Code of Student Conduct* and in Virginia Code §22.1-276.01 as "conduct that interrupts or obstructs the learning environment."
- Removal of the student from the class is necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior.
- Teacher and/or administrative interventions have been attempted and failed to end the student's disruptive behavior.
- Notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators have been provided to the student's parents as described below.

When all the above criteria have been satisfied, teacher removal of a student from class shall be deemed appropriate.

### **Requirements for Incident Reports**

No removal under this Policy shall occur unless two prior written incident reports have been filed with school administrators. Upon removal, the teacher shall file a "Student Removal Form" with school administrators and any other documentation to support the removal including, but not limited to, the previous two incident reports.

### **Procedures for Written Notification of Student and Parents**

The teacher shall provide copies of any incident report and Student Removal Form to the student and his parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior continues. Such written notice shall be provided to the parent/guardian within twenty-four (24) hours of each incident. The teacher shall document, in writing, his/her attempts to request and encourage the parents to meet with school administrators and/or the teacher. Such notice and documentation shall be required for each incident report and student removal.

### **Search and Seizure**

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, a student's locker, a student's automobile, and electronic devices a student possesses and/or uses and may seize any illegal, unauthorized, or contraband materials discovered in the search, consistent with applicable law.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of students and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate law, school policies and regulations, or which may be harmful to the school or its students. Lockers and other storage facilities are subject to periodic searches for any reason at any time without notice, without student consent, and without a search warrant.

To ensure a drug-and-alcohol-free learning environment for students and staff, school officials may, at their discretion, request assistance from a variety of available resources, including the School Resource

Officers and DARE Officers, intervention counselors, the Cumberland County Health Department, and the active and passive canine teams coordinated by the Cumberland County Sheriff's Office.

The school administration also has the right to search any student when there is a reasonable basis to believe that the student possesses an item which violates law, school policies and regulations, or which may be harmful to the school or its students. In no event shall strip-searches of students be conducted.

At times, at the principal's discretion and in accordance with School Board policy and all applicable law, metal detectors may be used to assist school staff in ensuring the safety of students, school staff, and guests.

The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials will be notified.

### **Extracurricular Activities**

Extracurricular activities are those activities that supplement the regular school curriculum, do not carry credit towards graduation, and are joined voluntarily by students. Extracurricular activities are generally developed according to the needs and interests of students and may take the form of special interest groups, honor societies, publications, athletic teams, and other extensions of classroom work. All extracurricular activities are designed to promote character building qualities of participation and leadership. All school rules and regulations are in effect during extracurricular activities, whether held on campus or away from school. (Certain other extracurricular activities can be considered co-curricular and relate to a culminating activity directly related to classroom instruction like choral or band concerts/presentations.) Co-curricular activities are included in the extracurricular regulations. Students are not permitted to participate in organizations and engage in related activities to the detriment of their classroom work. All student organizations and extracurricular activities are under the supervision of the school principal or his/her designee and are officially recognized and sanctioned by the Cumberland County School Board.

### **Code of Student Conduct Governing Participation in Extracurricular Activities**

1. Students may not participate in or attend extracurricular activities during the specified period of an in-school or out-of-school suspension for violations of the Code of Student Conduct.
2. The principal, the coach, and/or the sponsor shall have the discretion to determine if a student is permitted to participate in the next scrimmage/game/activity following the completion of an in-school suspension or out-of-school suspension. Students on long-term suspensions (more than 10 days) for violations involving the use and/or possession of alcohol and/or illegal drugs are not allowed to participate or attend extracurricular activities for the period of the suspension **AND** for a period of 60 calendar days during which school activities take place from the date of the suspension, including summer vacation and school holidays. Long-term suspensions cause the student to lose participation privileges during that period, as well.

3. Each coach/sponsor will establish team/club rules which will be distributed and discussed with participants prior to the beginning of the activity. Students are expected to comply with team/club rules and could forfeit their eligibility through noncompliance.
4. Students must attend five out of seven scheduled classes or an approved school activity on the day of competition/activity to be eligible to participate in extracurricular activities on that day. The principal or his/her designee may make exceptions to this standard for students with extenuating and/or unusual circumstances.
5. Students assigned to detention by administrative designees and/or administrators must report the detention to the coach or sponsor. The coach or sponsor will determine if any additional action is to be taken concerning the student's participation in the scheduled activity.

#### **Compliance with Virginia High School League and Southside Middle School League Rules**

1. Students in grades 8-12 participating in interscholastic competition in any and all activities governed by VHSL rules shall meet the eligibility requirements of the Virginia High School League.
2. A public school student athlete who uses anabolic steroids not prescribed by a licensed physician shall be ineligible to participate for two (2) years in interscholastic sports.
3. Students in grades 6-8 participating in interscholastic competition shall meet the eligibility requirements and regulations of the Southside Middle School Conference Rules.
4. Students are required to have a 2.0 GPA from the previous semester per Cumberland County Public School's eligibility rules.

#### **Eligibility Relative to Court Disciplinary Action(s)**

1. School officials may suspend a student from participation in extracurricular activities who has been charged with a misdemeanor or felony involving violence, assaults on other individuals, use or possession of a weapon(s), possession/use and/or distribution of alcohol, and/or illegal drugs until disposition of the charges by the court.
2. The student must report the incident to the coach/sponsor who will present the facts as known to the school administration to determine eligibility for participation.
3. School officials may deny participation in all extracurricular activities to any student convicted or found "not innocent" of a misdemeanor involving violence, assault on other individuals, use or possession of weapons, use/possession and/or distribution of alcohol and/or illegal drugs. The student may appeal to the principal for reinstatement in other activities the semester following the incident.
4. Students found guilty or "not innocent" of any felony charges may be denied participation in extracurricular activities.

#### **Consequences for Violating the *Code of Student Conduct* for Extracurricular Activities**

1. Consequences for violating the *Code of Student Conduct* for participation in extracurricular activities are separate and apart from the consequences for violating the *Code of Student Conduct* for participation in school-related activities and programs.
  - a. Suspension from athletic events:

Minimum Penalty - Loss of participation for the next two games/events or 20% of all scheduled games/events, whichever is less.

Maximum Penalty - Loss of participation for the remainder of the sport's season and suspension from participation and attendance at all school extracurricular activities for 60 calendar days from the date of the suspension, including summer vacation and school holidays.

b. Suspension from activities:

Minimum Penalty - Loss of participation for remainder of current grading period and next grading period.

Maximum Penalty - Loss of participation for remainder of school year and suspension from participation and/or attendance at all school extracurricular activities for 45 school days.

2. The administration may decide that the minimum sixty (60) school day suspension from all school extracurricular activities does not include the try-out period for another school sponsored sport/activity.

### **Administrative Procedures**

A student's privilege to participate in all or certain extracurricular activities and/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. Parents/guardians and students shall be notified in writing of such suspension from extracurricular activities.

1. The coach/sponsor of the activity, in consultation with the appropriate administrator in charge of clubs/activities/teams or athletic directors, may suspend students from activities after having given them the right to be heard.
2. Students and/or their parents/guardians may appeal any actions taken pursuant to these regulations to the school principal. Parents/guardians/students may present a written request within three (3) school days after notification of the suspension, to the school principal to arrange for an appointment or phone conference to appeal the extracurricular suspension. The school administration will send a written decision to the parent/guardian/student participant within five (5) school days of the appeal hearing.

### **Disciplinary Authority of School Board**

1. The School Board may, in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the Code of Virginia, require any students to attend an alternative education program if the student is identified for any of the following:
  - 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, or

with an offense that is required to be disclosed to the division superintendent pursuant to subsection G of Virginia Code §16.1-260;

- found guilty or “not innocent” of an offense relating to the Commonwealth’s laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the division superintendent pursuant to subsection G of **Virginia Code** §16.1-260;
- found to have committed a serious offense or repeated offenses in violation of School Board policies; and,
- suspended pursuant to **Virginia Code** §22.1-277.05 (long-term suspension), or expelled pursuant to Virginia Code §22.1-277.06 (expulsion, generally) or §22.1-277.07 (Gun-Free Schools Act) or subsection B of §22.1-277.

The School Board may require such student to attend such programs regardless of where the crime occurred.

2. Whenever any student commits any reportable incident as set forth in Virginia Code §22.1-279.3, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the division superintendent or his/her designee. Prevention and intervention activities shall be identified in the school division’s drug and violence prevention plans developed pursuant to the federal Improving America’s Schools Acts of 1994. (Title IV- Safe and Drug Free Schools and Communities Act)
3. The **School Board** may require any student who has been found, in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student’s parent, to participate in a treatment program.
4. The division superintendent or his/her designee may require students to attend an alternative education program consistent with the provisions above after the following notices have been delivered:
  - written notice to the student and his/her parent that the student will be required to attend an alternative education program and
  - notice of the opportunity for the student or his/her parent to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such placement. The decision of the division superintendent or his/her designee regarding such alternative education placement shall be final unless altered by the School Board, upon written petition by the student or his/her parent within five (5) days of the date of the written notice, for a review of the record by the School Board.

Any student for whom the division superintendent has received a report pursuant to Virginia Code §16.1- 305.1 of an adjudication of delinquency or a conviction for an offense listed in

subsection G of §16.1-260 may be suspended or expelled from school attendance pursuant to **Virginia Code §22.1-277**.

### **Reporting Duties of the Principal and Superintendent**

Except as may be prohibited by federal law, regulation, or jurisprudence, the principal will immediately report any act enumerated above that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal will report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information if they so desire.

The principal or his/her designee shall also notify the parent of any student involved in an incident listed in the paragraphs of this section of the *Code of Student Conduct*, 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.

Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law enforcement agency any act that may constitute a criminal offense committed by a student or school division employee on any school property or at any school-sponsored activity, including but not limited to the following:

- the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- the assault and battery, which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in **Virginia Code §18.2-60.3**, on a school bus, on school property, or at a school-sponsored activity;
- any conduct involving alcohol, marijuana, synthetic cannabinoids, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
- the illegal carrying of a firearm (as defined in **Virginia Code §22.1-277.07**) onto school property;
- any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Virginia Code §18.2-85, or explosive or incendiary devices, as defined in **Virginia Code §18.2-433.1**, or chemical bombs, as described in Virginia Code §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- any threats or false threats to bomb, as described in Virginia Code §18.2-83, made against school personnel or involving school property or school buses;
- the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge made against a student for such an incident; or
- any illegal possession of weapons, alcohol, drugs, or tobacco products.

**NOTE:** Any hazing incident that results in injury to a student must be reported by the school or school division to the locality's Commonwealth Attorney pursuant to the **Code of Virginia §18.2-56**.

### **Prevention and Intervention Activities**

Whenever any student commits any reportable incident as set forth in this policy, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his/her designee.

### **Communicating Code of Student Conduct to Students, Parents, and School Staffs**

Faculty and staff will be provided a copy of this student conduct Policy annually and receive an annual in service regarding its content.

All students and parents/guardians will receive a copy of this **Code of Student Conduct** annually. Students and parents will be required to sign and return to the principal or his/her designee a statement indicating that they are aware of the Policy guidelines and sanctions for misconduct. The signed statement will be kept on file in the school office. Students will receive information about this Policy from teachers and/or other school personnel during student assemblies scheduled for that purpose.

This Policy will be reviewed at least annually and revised as necessary. The review should be completed no later than June of each year.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 18.2-248.1:1, 18.2-308, 18.2-308.1, 18.2-371.1, 22.1-209.1:2(D); 22.1-253.13:7(C)(3); 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.07:1; 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.1, 22.1-279.3; 22.1-279.3:1, 22.1-279.6, 22.1-279.7, 22.1-280.4; 46.2-323; 20 U.S.C §1415 (e)(3)(B)(i).

*Recodified: August 2000*

*Amended: June 12, 2001; June 11, 2002; June 10, 2003; June 24, 2004; July 12, 2005; July 10, 2006; July 10, 2007; July 8, 2008; October 14, 2008; July 14, 2009; July 13, 2010; June 14, 2011; June 12, 2012; January 8, 2013; June 11, 2013; July 8, 2014; July 14, 2015; June 14, 2016; June 13, 2017; August 8, 2017; July 10, 2018; September 29, 2020*

### **Definitions of Terms in this Code of Student Conduct**

**Alternative Education Program** - A variety of educational services available to Cumberland students and adults who have diverse learning needs, which shall include, but not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

**Arson** – Deliberately setting a fire on school property which endangers life, limb, or property.

**Assault** – The deliberate use of physical violence, which is intended to cause bodily injury to another; or the use of a dangerous object in an effort to cause bodily injury to another.

**Battery** – The actual infliction of bodily hurt on another, willfully or in anger, whether by the person's own hand or by some means set in motion by him or her.

**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” does not include ordinary teasing, horseplay, argument, or peer conflict.

**Charged** – A petition or warrant has been filed or is pending against the student.

**Corporal Punishment** – The infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity. In addition, this definition shall not include physical pain, injury, or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control of the use of reasonable and necessary force as permitted by §22.1-279.1 of the **Code of Virginia**.

**Cyber Bullying** – Using information and communication technologies such as e-mail, cell phone text messages, instant messaging, defamatory personal web sites, defamatory online polling sites, and social media to support deliberate, hostile behavior intended to harm others. This behavior includes, but is not limited to impersonation, stalking, threats, coercion, taunting, and harassment.

**Destructive Device** – (i) Any explosive, incendiary or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or other similar device; (ii) any weapon, by whatever name known that will, or may be readily be converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed off shotgun or sawed off rifle as defined in §18.2-299 of the **Code of Virginia** or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this definition 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 **Virginia Code** §18.2-308.2:2.

**Drug Paraphernalia** – Those items listed in §18.2-265.1 of the **Code of Virginia**, including, but not limited to items such as pipes, bowls, bongs, roach clips, syringes, needles and spoons.

**Disruptive Behavior** – A violation of School Board policies or regulations governing student conduct that interrupts or obstructs the learning environment.



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

**Expulsion** – Any disciplinary action imposed by the School Board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

**Extortion** – Unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat of eventual physical injury or other harm to that person, to that person’s property, or to a third person.

**Fighting** – Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury.

**Firearm** – Any weapon prohibited on school property (including a school-division vehicle) or at a school sponsored activity pursuant to §18.2-308.1 of the **Code of Virginia**, or 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 or the frame or receiver of any such weapon. “Firearm” does not include any pneumatic gun, as defined in subsection E of **Virginia Code** §15.2-915.4.

**Gang** – A gang is an ongoing organization, association or group (i) having common characteristics, including but not limited to, initiation practices, hand signals, structured style of dress, specific geographic territorial claim or identifiable leadership; and (ii) consisting of one or more individuals who identify themselves as a group by a name or symbol and are involved in a pattern of recurrent criminal conduct.

Gang activity is defined as:

- a. wearing or distributing any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
- b. committing any act or omission, or using speech, either verbal or non- verbal (such as gestures or handshakes) showing membership or affiliation in any gang;
- c. committing any act in furtherance of the interests of any gang, including: (a) soliciting, hazing, initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of the *Code of Student Conduct* and (d) encouraging other students to act with physical violence or disorderly disruptive behavior;
- d. any inappropriate behavior and/or activities which may be disorderly or disruptive or are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

**Hazing** – To recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association,

fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

**Imitation Controlled Substance** – A pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size of marking or package, or by representations made, would cause the likelihood that such a pill, capsule, tablet or substance in any other form whatsoever will be mistaken for a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana; or which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect. Imitation controlled substances include but are not limited to Spice, K2, synthetic cannabinoids and/or other imitation substances.

**Long-term Suspension** – Any disciplinary action whereby a student is not permitted to attend school for more than ten (10) school days but less than 365 calendar days.

**Look-Alike Weapon** – Any device that looks like a real gun or is a toy gun (i.e., water pistols)

**Medication** – Any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like.

**One Year** – 365 calendar days as required in federal regulations.

**Parent(s)** – any parent, guardian, or other person having control or charge of a child.

**Persistent** – 4 or more incidents in a year.

**Short-term Suspension** – Any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten (10) school days.

**School Property** – 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.

**School Resource Officer** – A certified law enforcement officer hired by the local law enforcement agency to provide law enforcement and security services to Virginia public elementary and secondary schools.

**Taunting** – Challenging or reproaching another person in a mocking or insulting manner, or ridiculing or teasing another person or persons.

**Threat** – An expression of intent to harm someone that may be spoken, written, or gestured, regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware the threat exists.

**Tobacco Product** – Any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and wrappings.

**Vapor Product** – Any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that can be used to produce vapor from nicotine, or other substance, in a solution or other form.

**Weapon** – includes:

- any stun weapon (as defined in **Virginia Code § 18.2-308.1**) or taser;
- any knife having a metal blade three inches or longer;
- any pistol, shot gun, revolver, rifle, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
- any dirk, bowie knife, switchblade, ballistic knife, machete, razor, slingshot, spring stick, metal knuckles, or blackjack;
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchahka, nun chuck, nunchaku, shuriken, or fighting chain;
- any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and may be known as a throwing star or oriental dart; or
- any weapon of like kind as those enumerated above that can reasonably be considered a weapon so as to inflict bodily harm, injury, or threat of harm or injury (this may include toy or imitation weapons).

## **ACCOMPANYING REGULATIONS**

### **REGULATION 7-3.1(A) REPORTING DATA**

#### **Generally**

**Virginia Code §§22.1-65 and 22.1-280.1** require that the Virginia Department of Education collect information on crime, violence and substance abuse that takes place on public school property, on school buses or at school-sponsored events.

#### **Reporting Procedures**

As required by **Virginia Code §§22.1-65 and 22.1-280.1**, the principal of each school shall collect and maintain information on the events which occur on school property, on a school bus, or at a school-sponsored activity, and shall report the information semiannually to the division superintendent on dates established by the division superintendent. The division superintendent shall submit annually to the Virginia Department of Education, on forms provided by the Department, an aggregate report of such incidences by the last day of October or at other times as prescribed by the Department.

*Amended: June 24, 2004*

### **REGULATION 7-3.1 (C) PROCEDURES FOR QUESTIONING OF STUDENTS BY THIRD PARTIES**

Principals are to allow a child protective services worker with proper identification to interview a student who is an alleged victim of abuse and/or neglect. A private setting should be provided. Parental notification is the responsibility of the Department of Social Services and should not be done by school personnel.

Law enforcement officers may question students who are witnesses to a crime or victims of a crime during the school day, on school grounds, without the permission of the parents or guardian, provided that the law enforcement officer ascertains that the student is capable of consenting to, and the student does consent to, the interview. Student consent is not necessary when a law enforcement officer has a warrant for the arrest of a student. When a law enforcement officer makes contact with, or is contacted by, the school principal or his designee concerning the questioning of a student as a witness or victim, the following procedures should be followed:

1. The principal shall make an attempt to contact the parent or guardian of the student.
2. The student shall be called or escorted to the office by the principal. Under dangerous circumstances, the principal may ask the law enforcement officer to accompany him to the classroom to escort the student to the office.
3. A private place shall be provided for the conference/interview. The parent, child, and/or law enforcement officer may request that a staff member be present as an observer while the student is being questioned.
4. If the law enforcement officer removes the student from the school grounds, the principal shall contact the parent or guardian of the student and the division superintendent's office immediately.

When an incident occurs on school grounds during the school day that is potentially a crime under the law of Virginia, the principal should contact either the resource officer or the Cumberland County Sheriff's Office immediately. The Sheriff's Office will follow all appropriate legal procedures in terms of advising students of their rights and conducting a thorough investigation. The principal should follow applicable School Board policy according to the *Code of Student Conduct* in determining the involvement of a student or students in the incident and the type of disciplinary action to be taken on the part of the school.

Principals are authorized by the School Board to recognize that certain misconduct that may constitute just cause for suspension or expulsion may also constitute probable cause that a state or federal law has been violated. A principal shall impose penalties provided by School Board policy for misconduct and shall seek through the appropriate legal means criminal adjudication of the misconduct.

School administration and law enforcement officials will make every effort to work cooperatively with the least possible disruption to either the schools or the Sheriff's Office.

*Amended: June 24, 2004, July 12, 2005, July 10, 2006, June 14, 2011*

#### **REGULATION 7-3.1 (D) USE OF METAL DETECTORS**

Weapons or explosives of any kind are prohibited on school property including school buses or vehicles and at school bus stops, in school buildings or at school-related functions. Possession of weapons or explosives is a violation of School Board policy, federal and state law and will subject an individual to disciplinary action and possible criminal penalties. The administration possesses the authority to take all reasonable, necessary and proper steps, including but not limited to the use of stationary or mobile metal detectors provided by law and School Board policy and regulation to safeguard students, employees and property of the Cumberland County School Board. The purpose of the metal detector scan is to prevent and deter individuals from carrying weapons and explosive devices onto School Board

property or into school-sponsored events/activities. At all times, the degree and nature of the inspection are not to exceed that which is necessary to allow staff to discharge their responsibility in ensuring the safety of persons and property.

1. The division superintendent or building principal in a non-delegable duty shall approve the use of metal detectors in school, on school property or in preparation for or during specific school activities at sites other than school division property.
2. Only personnel trained in the use of metal detectors shall be authorized to conduct metal detector screenings. Training for personnel shall be arranged through the division superintendent's office.
3. Signs shall be posted to notify all persons that, as a condition of entrance to the school or school-related activity, they will be required to pass through or submit to a metal detector screening.
4. When a metal detector is being used, all individuals who wish to enter the school or school-related activity shall use only the facility entrances designated.
5. School officials may search a particular individual(s) when there is a reasonable assumption to believe that the individual(s) is in possession of weapons or explosives.
6. If a metal detector activates on an individual, the individual will have the option of removing the item which caused the alarm and being scanned with a hand-held wand, or receiving a refund and exiting the premises. Individuals failing to comply with the safety procedures prescribed for Cumberland County Public Schools athletic events will be refused entry.
7. Any briefcase, knapsack, purse, parcel or other package causing the activation of a metal detector shall be subject to inspection.
8. All property removed from a person as a result of this procedure and not defined as contraband shall be returned to the person. Property which is defined as contraband, even though it may not have been capable of activating the metal detector, shall be confiscated and turned over to the Cumberland County Sheriff's Office or other appropriate agency for proper handling. Any contraband seized by school personnel pursuant to this regulation may be admissible in any subsequent criminal proceeding. The student or employee in violation of the policies, rules and regulations of the Cumberland County School Board shall be disciplined in accordance with the rules of the regulations of the School Board, regardless of whether criminal proceedings are pursued.

Any student or employee who refuses to cooperate with personnel performing their duties under this regulation may be subject to discipline in accordance with School Board policy and regulation and required to leave school property. Any person who refuses to cooperate with personnel performing their duties under this regulation shall be required to leave school property.

*Adopted: September 11, 2001*

*Amended: June 24, 2004, June 14, 2011*

## MISSION

Our mission is to inspire and prepare all students with the confidence, courage and competence to achieve their dreams; contribute to community; and engage in a lifetime of learning.

## VISION

The Cumberland County School System will be a model school system that serves as the educational and resource center for the community.

## PURPOSE

Our purpose is to prepare all students to be successful 21st Century learners, workers, and citizens.

## OBJECTIVES

1. We will engage every student.
2. We will implement balanced assessments.
3. We will improve opportunity and achievement for all students with an emphasis on equity of outcomes.
4. We will create, maintain, and expand partnerships.
5. We will optimize resources.

All school and instructional department **websites** can be accessed by using Cumberland County Public Schools' address ([www.cucps.k12.va.us](http://www.cucps.k12.va.us)).



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