

### **7-3.1 CODE OF STUDENT CONDUCT**

#### **Philosophy**

Recognizing the importance of the dignity and worth of each individual, the Hanover County School Board believes that it should provide an atmosphere of mutual respect conducive to teaching and learning in which intellectual, physical, emotional, and social growth complements the moral and spiritual needs of the student population. Students, parents, administrators, teachers and all other staff members are responsible for maintaining a school environment in which educational programs can prosper and extracurricular programs can be provided for the benefit of all participants.

#### **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;
- 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. Administrators and those to whom disciplinary authority is delegated, including teachers and bus drivers, have the responsibility to be consistent and uniform in the application of all School Board policies and all school regulations.

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;
- 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. Regulations Governing Special Education Programs for Children with Disabilities are available from the Virginia Department of Education Web site at <http://www.doe.virginia.gov/>.

#### **Parental Rights and Responsibilities**

Each parent 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 14<sup>th</sup> 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 requirements 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
- 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

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

Alternative education program - A variety of educational services available to Hanover 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 attempt or offer, with force and violence, to do bodily hurt 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 – Using threats, intimidation, force, coercion or abusive treatment, electronic or otherwise, to make someone fearful.

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.

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, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily 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 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" shall 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, bongos, 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, 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" shall 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 hand shakes) 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.

Gross willful disregard of School Board rules and regulations – Multiple instances of offenses listed under Categories III-VIII or a single instance of an offense that endangers the life, welfare, or safety of any person while on school property (including school-division vehicles and at the school bus stop) or at a school-sponsored activity.

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 marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana. 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 school days but less than 365 calendar days.

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 – 3 or more incidents in a semester.

Short-term suspension – Any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten 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.

Weapon – includes

- any stun weapon (as defined in subsection B of Virginia Code § 18.2-308.1) or taser;
- any knife having a metal blade three inches or longer;
- any pistol, revolver, 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;
- any pneumatic gun or implement designed as a gun that will expel a projectile such as a BB or pellet by action of pneumatic pressure; 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).

### **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; and
- refrain from cheating or plagiarizing on any assigned schoolwork; refrain from cheating, plagiarizing or receiving assistance on any tests.



## Prohibited Behaviors

No student shall violate, while on school property, while at any school activity, or while under the supervision of school authority (including going to and coming from school), any laws or rules and regulations of the School Board and the school. The following are general categories of prohibited conduct:

1. Alcohol and Drugs - The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol, anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance as defined in the Drug Control Act, Chapter 34 Title 54.1 of the Code of Virginia, or as defined in schedules I through V of 21 U.S.C. 812, or imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school sponsored or school approved activity or event, shall result in suspension and/or expulsion from school in accordance with all applicable laws and School Board Policy.
2. Defiance of the Authority of School Personnel - Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by School Board policies and regulations.
3. Dishonesty - Honesty shall be practiced in the entire educational experience. Cheating, plagiarism, forgery (including computer forgery), lying, stealing, or any other acts of dishonesty shall not be tolerated. This includes unauthorized or illegal use of computers, computer networks, or electronic media.
4. Disruptions - Students shall not behave in a disorderly manner or in any other manner interrupt or disturb the orderly operation of the classroom or any school activity.
5. Gambling - Gambling in any form is prohibited on school property or in association with any school activity.
6. Gang-Related Activity: Gang-related activity will not be tolerated.
7. Medication and Prescription Drugs - No student may have in his possession any medication or prescription drugs, except those students with diagnoses requiring the administration of medication during the school day and who follow school rules for self-administration of medicine. This includes students diagnosed with, but not limited to, asthma, anaphylaxis, or both.
8. Sexual Harassment - As further outlined in School Board Policy 7-1.2, students shall not sexually harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions.
9. Student Dress - A student's dress and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem. Students must comply with specific division and school building dress regulations, of which students will be given prior notice.
10. Threats - Students shall not make any verbal, written, electronically communicated, or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion, or for any other reason.
11. Tobacco - The possession and/or use of tobacco by students on school premises (including school vehicles) during the school day or during after-school activities is strictly prohibited.
12. Trespassing - Trespassing on any school property is prohibited.
13. Truancy - Students are to be in their assigned classes and on the school grounds during the entire school day. Students must obtain permission from the principal or his designee to leave the school grounds before the designated closing of the school day. Principals and assistant principals may assign Saturday School, detention or in-school suspension to students with repeated infractions for skipping school. In addition, principals or their designees may notify the Juvenile & Domestic Relations District Court when a student has had 10 or more absences from school on consecutive school days and request suspension of the student's driver's license.



14. Vandalism - Students shall not maliciously or willfully injure, deface, or destroy school property or the personal property of others. In addition to criminal sanctions against offending students, the Code of Virginia allows the School Board to collect up to \$2500 in damages from parents of minors who destroy school property.
15. Verbal Abuse and Vulgarity - Students shall not verbally or graphically curse or abuse anyone; use vulgar, profane, or indecent language; or bear or display any obscenity or indecency. (Code of Virginia §18.2-416 provides punishment as a Class 3 misdemeanor under certain circumstances.)
16. Violence - Students shall not fight or display or contribute to aggressive behavior that is disruptive or dangerous.
17. Weapons and Destructive Devices - Students shall not bring, carry, use, or possess any weapon, or destructive device while in or on school property, while in a school-owned or -operated vehicle, or while attending a school sponsored activity or event.

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)
- Detention
- Suspension from Extracurricular Activities
- In-School Suspension
- Referral to an Alternative Education Program
- 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;
- in or on a school vehicle;
- while participating in or attending any school sponsored activity or trip;
- on the way to and from school; and,
- off school property, when the acts lead to: (1) an adjudication of delinquency or a conviction for an offense listed in §16.1-305.1 of the Code of Virginia (including unlawful purchase, possession or use of a weapon; homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana, arson and related crimes, and burglary and related offenses, or (2) a charge that would be a felony if committed by an adult.

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

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

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. A principal also may seek to obtain



a waiver with regard to the assignment of required consequences in light of extenuating circumstances or in order to provide appropriate disciplinary alternatives. The waiver request shall be submitted in writing to the division superintendent or his designee. Offenses committed by students in grades 6-12 shall be deemed cumulative.

Disciplinary actions for students with disabilities will be determined in accordance with all relevant state and federal laws and regulations. *Regulations Governing Special Education Programs for Children with Disabilities* are available from the Virginia Department of Education Web site at <http://www.pen.k12.va.us/>.

- Detention - Where appropriate a student may be detained for a reasonable period of time before or after his classes and may be required during this time to engage in controlled and constructive activities as may reasonably contribute to better behavior. Parents of students assigned detention time shall be notified in writing at least one school day prior to the time to be served in order that there may be an opportunity to make transportation arrangements.
- 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 shall be notified of such suspension in writing.
- In-School Suspension - A student may be placed in the In-School Suspension program for the duration of a short term suspension, as a part of a short term suspension, or as a part of a long term suspension at the discretion of the principal. 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.
- Other Appropriate Measures - Student contracts, parental involvement, counseling, community and/or school services, and attendance at Saturday or evening school are other measures which may be used to improve student conduct.
- Referral to an Alternative Education Program - The School Board 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 a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the division superintendent pursuant to Virginia Code §16.1-305.1; (iii) long-term suspended pursuant to the procedures in this section; or (iv) 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.
- 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 designated teacher, according to all applicable law and to the procedures set out in this Code of Student Conduct and for the offenses contained herein.
- Referral to Authorities - In addition to the disciplinary action outlined, any known violation of the law will be referred to the appropriate law enforcement authorities.

### **Category I – 3 Day Suspension from School**

A student's failure to follow published school rules may result in a maximum of three (3) days suspension from school.

### **Category II – 5 Day Suspension from School**



The following misconduct **MAY** result in up to a maximum of five (5) days suspension from school.

1. Maliciously cutting, defacing or otherwise damaging in any way property belonging to the school division or other persons.
2. Fighting or any physical altercation that may result in no injury or minor injury, including kicking, shoving, pushing, and hitting.
3. Larceny – petty theft.
4. Falsifying of signatures on notes, excuses, or other school documents (includes producing false notes, excuses, or other school documents by computer); lying and other acts of dishonesty. (See prohibited behaviors.)
5. Extortion.
6. Second offense for possession and/or use of tobacco products.
7. Persistent failure to comply with the "Expectations for Student Conduct," repeatedly engaging in any "Prohibited Behaviors" and/or persistent disobedience or violation of school/school division rules, including class disruptions.
8. Unauthorized or illegal use of computers or computer networks, including any violation of the Hanover County Public Schools Internet Acceptable Use Policy.
9. The use of any type of unauthorized electronic or mechanical device is prohibited during regular school hours and on school buses. Unauthorized electronic or mechanical devices shall include, but not be limited to, pagers, cellular telephones, I-Pods, computer games, cameras, walkman radios, laser pointers, and other portable electronic devices or the representation thereof. Students will be permitted the appropriate use of cellular phones on school property or at school sponsored activities before and after regular school hours. However, the use of any of the above mentioned devices may not interfere with any school activity.
10. Possession of a laser pointer, shock pen or other electronic device that may be used to injure or damage a person.
11. Presence in an area of the school grounds that is unauthorized or prohibited.
12. Verbal altercation, taunting.
13. Cheating or plagiarizing on assigned school work or cheating, plagiarizing or willingly providing or receiving assistance on tests.
14. Use of vulgar acts, gestures, or profane language not directed toward another person.
15. Speaking or writing profanity while on school property, including while in school-owned or school-operated vehicles, or while attending a school sponsored activity or event.

### **Category III – 10 Day Suspension from School**

A. The following misconduct **MAY** result in suspension for a maximum of ten (10) days:

1. Any theft of money or personal or public property of significant value and/or theft involving breaking and entering, including lockers (includes unauthorized or illegal use of computer services).
2. Fighting among 3 or more students.
3. Tampering with fire alarm system and/or other electronic surveillance equipment.
4. Intimidation (to force into or deter from action by inducing fear, usually by threat). This may include sexual harassment, hazing, teasing, bullying, and/or any physical contact.
5. Defiance or insolence directed at any school employee to include insubordination or disregard of a verbal instruction or direction.
6. Use of vulgar acts, gestures, or profane language directed toward another person and possession of pornographic or sexually explicit material, including images and material contained or stored on any electronic or mechanical device described in Category II, Section 10 above.
7. Computer invasion of privacy (unauthorized or illegal use of a computer or computer network to examine personal information relating to any other person).



8. Engaging in dangerous or potentially dangerous behaviors.
9. Participating in gang-related activity while on school property, in a school bus or school-division vehicle, or at a school-sponsored event.

B. The following infractions **SHALL** result in suspension for ten (10) days:

1. Intimidating or threatening another student, students, adult, or adults in any way that communicates directly or indirectly the threat of bodily harm, violence, damage to property or to the safety of the school environment.
2. Inciting other students to create or personally creating a disturbance which disrupts the operation of the school. Includes engaging in verbal abuse such as name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others, that may precipitate disruption of the school program or incite violence.
3. Temporary or permanent removal of computer data, computer programs, or computer software from a computer or computer network. (Additional information detailing expectations for the HAN (Hanover Academic Network) can be found in the Elementary and Secondary Parent-Student Handbooks.)
4. The second commission of a Category II offense or a combination of one Category II offense and one Category III offense.

The following categories of misconduct **SHALL** result in suspension or expulsion.

**Category IV – 11 Day Suspension from School**

1. When on school property, traveling to or from school, or at a school sponsored activity, possession, use, and/or under the influence of dangerous or illegal drugs or substances, including anabolic steroids, or a controlled substance consumed with the intent of altering the individual's mood or perception including over-the-counter medications such as aspirin, ibuprofen, cough and cold medications, acetaminophen, herbal supplements, and anabolic steroids. This also includes possession of, use, or distribution of drug paraphernalia which aids or promotes the use of drugs. As a condition of the suspension for this offense, a suspended student and his/her parent or guardian are required to participate in drug and alcohol education approved by Hanover County Public Schools. In addition the student will not be permitted to participate in or attend any extracurricular activities for 45 days.
2. When on school property, traveling to or from school, or at a school sponsored activity, possession, use, or under the influence of alcohol; possession or use of imitation alcohol (including non-alcoholic malt beverages), imitation controlled substance, or marijuana as defined in Virginia Code §18.2-247. As a condition of the suspension for this offense, a suspended student and his/her parent or guardian are required to participate in drug and alcohol education approved by Hanover County Public Schools. In addition the student will not be permitted to participate in or attend any extracurricular activities for 45 days.

**Category V – 20 Day Suspension from School**

1. Assault and/or any unwelcome sexual advances, request for sexual favors, and other inappropriate conduct of a sexual nature creating an intimidating, hostile or offensive environment.
2. Making a false fire alarm or unauthorized use of emergency/security telephones. (Code of Virginia §18.2-212 provides punishment as a misdemeanor offense.)
3. Causing a computer to malfunction or altering or erasing any computer data, computer programs or computer software.



4. Making or causing to be made an unauthorized or illegal copy, in any form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network.

#### **Category VI – 20-30 Day Suspension from School**

Repeated misconduct and/or offenses as defined by all of the items listed in Category III, A and B.

#### **Category VII – 30-45 Day Suspension from School**

1. Third commission of a Category II offense.
2. The combined commission of either a Category II or III offense AND a Category IIIB offense.
3. Second commission of a Category IIIA or Category IIIB violation.
4. Failure to comply with the terms of a disciplinary penalty imposed as a suspension.
5. Persistent behavior that communicates directly or indirectly the threat of bodily harm, violence, damage to property, or to the safety of the school environment (may include breaking and entering or other unauthorized presence on school property or school grounds).

#### **Category VIII – 90 Day Suspension from School**

1. Threat of harm or violence: Making direct or indirect threat (verbal, written, or behavior) to another student or adult that implies or creates fear of bodily harm or violence that endangers life, limb, or property.
2. Arson: deliberately setting a fire on school property which endangers life, limb or property.
3. Threat or false threat to bomb, burn, damage, or destroy in any manner a school building or school property.
4. Bringing, carrying, possessing, or using a knife with a blade shorter than 3 inches in length while in or on school property, including vehicles, and/or while attending a school sponsored activity or event, except when the student has such a knife for specified use in a class in which he/she is enrolled and the knife is a required instructional tool as designated by the instructor.

#### **Category IX – Expulsion from School**

1. Possessing, selling, supplying, distributing to another person, or manufacturing alcoholic beverages, controlled, dangerous or illegal drugs (including anabolic steroids) or illegal substances while on school property, while in a school division vehicle, or while at a school-sponsored activity.
2. Second offense of use, consumption and/or under the influence of alcohol, dangerous or illegal drugs, including anabolic steroids, any controlled substance, including over-the-counter medications such as aspirin, ibuprofen, cough and cold medications, acetaminophen, herbal supplements, and inhalants, consumed with the intent of altering the individual's mood or perception. This also includes possession, or use of drug paraphernalia which aids or promotes the use of drugs or illegal substances.
3. Second offense of use or possession of imitation alcohol (including non-alcoholic malt beverages), imitation controlled substance, or marijuana (as defined in Virginia Code §18.2-247) while on school property, in a school division vehicle, or while at a school sponsored activity.
4. Gross, willful disregard of School Board rules and regulations.
5. Assaulting any person, including a student, teacher, administrator, or any member of the school staff, employee of Hanover County Public Schools or school visitor.
6. Bringing, carrying, possessing, and/or using a firearm or weapon while in or on school property, including while in school-owned or -operated vehicles, and/or while attending a school sponsored activity or event.



### **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. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, 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.

### **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. 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.

### **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.

#### **Short-Term Suspensions: Not More Than 10 days**

A student may be suspended for not more than ten (10) school days 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 Disciplinary Hearing Review Officer and to the parent or guardian of the student suspended. A short term suspension normally will take effect after the due process hearing for the misconduct. 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. The school administrator shall make a reasonable effort to notify the student's parent of the suspension, inform the parent that a copy of the rules governing suspensions and procedures for appeal are being sent home with the student, and make arrangements for the student's return home. When the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption, the principal shall attempt to reach the student's parents/guardian and request that they come to the school for the student on the day of the



offense. If a parent/guardian is unable to come to the school, the principal or his/her designee shall provide the student transportation home. 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 is suspended from school attendance for not more than ten days 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 Hanover 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 suspended for a period of 1 to 10 days 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

- Parent/guardian will receive written notification of student's suspension, terms of the suspension, the availability of other educational options and of the student's right to return upon expiration of the suspension from the school-based administrator.
- Parent/guardian may present a written request within the next three (3) school days to the school principal to arrange for an appointment or phone conference to appeal the suspension.
- Parent/guardian and principal meet to consider the appeal. Principal's decision will be final.
- If parent/guardian disagrees with the principal's decision, he/she may present written request to the Disciplinary Hearing Review Officer for an appeal.
- Decision of the Disciplinary Hearing Review Officer will be final.

#### Long-Term Suspensions: More Than 10 Days

A student may be suspended from attendance at school for more than ten (10) days by a principal or assistant principal after the student and his/her parent/guardian have been provided written notice of the length of the suspension, the reasons for the suspension, the right to a hearing before the Superintendent's designee (Disciplinary Hearing Review Officer), the right to appeal the decision of the Superintendent's designee to the full School Board, the appeal process to be followed, 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. A student suspended from attendance at school for more than ten (10) days shall be permitted to make up work missed during the suspension.

The School Board may permit or require students suspended to attend an alternative education program approved/provided by the School Board for the term of the suspension. 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 and that the student or parent/guardian may request a school-division disciplinary review hearing regarding the requirement to attend such a program. The decision reached in the hearing process shall be final unless altered by the School Board upon the appeal by the student or parent/guardian.

Written notice to the student and parent/guardian regarding the requirement to attend an alternative program shall include information concerning the availability of community-based educational,



alternative education, or intervention programs. Such notice also shall state that the student is eligible to return to regular school attendance upon the expiration of the suspension and/or is eligible to attend an appropriate alternative education program approved/provided by the School Board during or upon the expiration of the suspension. The costs of any community-based education, alternative education, or intervention program which is not part of the education program offered by the Hanover County Public Schools and which the student may be required to attend during his/her suspension shall be borne by the parent/guardian of the student.

*Long-Term Suspension: Appeal Process*

If after receiving written notification of the student's suspension from school for more than ten (10) days, the student/parent/guardian wish to appeal the suspension, the following appeal process must be followed:

- Student/parent/guardian will receive written notification of student's suspension and terms of the suspension, the availability of other educational options and of the student's right to return upon expiration of the suspension.
- Student/parent/guardian may present a written request to the school principal to appeal the suspension.
- Parent/guardian/student and the school principal will meet to consider the appeal. Principal will render his/her final decision and give parent/guardian/student written notice of that decision.
- If the student/parent/guardian wish to appeal the principal's decision to the Disciplinary Hearing Review Officer, who serves as the Superintendent's Designee, the student/parent/guardian must present a written request for a hearing to the Disciplinary Hearing Review Officer within five (5) school days of the receipt of the Principal's decision.
- Within five (5) school days of receiving the student's/parent's/guardian's request for a hearing, the Disciplinary Hearing Review Officer will notify the parent/guardian/student of the following:
  - time and place of the hearing;
  - statement of the student and parent(s) or guardian's rights of access to the student's school records for inspection and copying, at a reasonable cost;
  - student and parent(s) or guardian's right to request a delay of the hearing of up to five (5) school days;
  - student's right to be represented by legal counsel at the hearing, the cost of which services shall be borne by the parent(s) or guardian;
  - student's right to appear on his or her behalf and/or for the parent(s) or guardian to appear on behalf of the student;
  - student's right to produce witnesses and present evidence at the hearing.
- Disciplinary Hearing Review Officer will conduct a hearing consisting of a process in which he or she receives evidence and hears testimony of witnesses presented by the student, parent/guardian, principal and other necessary parties invited by the Disciplinary Hearing Review Officer to participate.
- Within two (2) school days following the hearing, the parent/guardian/student will receive the written decision reached by the Disciplinary Hearing Review Officer.
- If student/parent/guardian do not agree with or is not satisfied with the decision reached in the hearing, he/she/they may present a written request to the School Board, appealing that decision. The request must be submitted to the School Board within five (5) school days following the date of the written decision of the Disciplinary Hearing Review Officer.
- The School Board shall issue its decision, either approving or altering the decision reached in the hearing before the Disciplinary Hearing Review Officer, within thirty (30) days after the hearing.

The student will remain suspended while the appeal is pending.



### **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 due process and a hearing by the School Board;
- availability of community-based programs for education, training or behavioral intervention;
- eligibility and/or requirement of student to attend an alternative education program sponsored by the School Board or an adult education program offered by Hanover County Public Schools during or following the expulsion. The parent/guardian of an expelled student is responsible for paying the costs of any educational, training, or behavioral intervention programs not offered by the school division but which the student is required to attend during the expulsion;
- rights of student to petition School Board for readmission to be effective one (1) calendar year from the date of 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 disciplinary 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 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.

### **Exclusion**

A student may be excluded from attendance after (i) written notice to the student and his/her parent(s)/guardian that the student may be subject to exclusion, including the reasons, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision to exclude the student from attendance. The decision of the division superintendent or his designee to exclude shall be final unless altered by the School Board, upon timely written petition, as established in regulation, of the student so excluded or of his/her parent(s)/guardian, for the review of the record by the School Board.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, or division superintendent or his designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.



The School Board may permit students excluded pursuant to this section of the Code of Student Conduct to attend an alternative education program provided by the School Board for the term of such exclusion.

### **Admission of Students Suspended or Expelled from Another School Division or Private School**

- 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 Hanover 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 designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee and the decision has been made to exclude the student from attendance.
- The decision of the division superintendent or his 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 §22.1-276.2 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" (below) 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 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.

### **Guidelines for Alternative Assessment and Instruction of Removed Students**

The principal shall determine the appropriate placement of a student removed from class by a teacher, and the principal shall establish the length of time (dates) the student shall remain removed from that class. The principal has several options regarding the placement of a removed student including, but not limited to, the following:

- assigning the student to an alternative program;
- assigning the student to another class;
- sending the student to the principal's office or study hall. If the principal chooses this option, the removing teacher shall provide and evaluate appropriate make-up work for the student;
- suspending or expelling the student. If the principal chooses this option, alternative instruction and assignment, if any, shall be provided according to School Board policy and, in the case of students with disabilities, in accordance with federal law; and
- returning the student to class. (See procedures below.)

In all cases, and with any of the options, the removing teacher shall provide assignments for the student and evaluate the removed student's work to ensure the student's continued access to required curricula.

### **Procedure for the Student's Return to Class**

The principal shall determine, after consultation with the teacher, the duration of the student's removal from class. The principal shall notify the teacher of the decision to return the student to class. The following procedure shall apply if the teacher disagrees with the principal's decision to return a student to the class:

- The teacher and principal shall discuss the teacher's objection to returning the student to class and the principal's reason for returning the student.
- The teacher, after meeting with the principal, may appeal the principal's decision to the division superintendent or his designee within one school day. The incident reports and removal form must accompany the appeal. After discussion with the principal and teacher or receiving their written comments, the decision of the division superintendent or his designee shall be final. The decision shall be made within forty-eight (48) hours of the teacher's appeal. During the appeal process, the student shall not be returned to class, and the principal will determine an appropriate placement for the student.

Once the decision has been made to return the student to class, the teacher and principal shall develop a plan to address future disruptive behavior.

### **Other Provisions**



The principal shall ensure that students removed from class under this Policy continue to receive an education in accordance with School Board policies. Application of this Policy to students with disabilities shall be consistent with federal and state law and regulations as well as School Board policy regarding students with disabilities.

Teacher deficiencies in classroom management shall be addressed in teacher evaluations pursuant to School Board Policy.

This Policy does not limit or restrict the ability of School Board employees to apply other policies, regulations or laws for maintaining order in the classroom.

### **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 Hanover County School Resource Officers and DARE Officers, the substance abuse counselors, the Hanover County Health Department, and the active and passive canine teams coordinated by the Hanover Sheriff's Office.

The school administration also has the right to search any student when there is 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.

### **Conduct Code: School Bus or Other School Vehicle**

Hanover County Public Schools provides students transportation for a variety of reasons, including the following:

- regular transportation to and from school;
- field trips;
- athletic trips and trips for other VHSL or preapproved school activities;
- special after-school activities; and



- transportation from base schools to locations where specialized educational programs are available.

The Code of Virginia, §22.1-176, permits School Boards to provide transportation for students; however, the law does not require that transportation be provided except as cited in §22.1-221, transportation of handicapped children. Riding a school bus is a privilege. Violations of standards set forth in the Code of Student Conduct for students riding on a school bus or in any other type of school vehicle will be cause for a referral to a school administrator and shall result in appropriate disciplinary penalties. School buses are considered School Board property, and students who fail to meet the expectations of the Code of Student Conduct may have their riding privileges revoked for a specified time or permanently.

Students who become a serious discipline problem on the school bus or vehicle or consistently demonstrate inappropriate behavior shall have their riding privileges suspended by the principal. In such cases, the parents of the suspended student shall be responsible for transporting their child to and from school. The drivers of school vehicles have the authority and responsibility to maintain order and safe conditions while transporting students. The School Board or a principal may invoke disciplinary measures for any misconduct which by common understanding would be considered detrimental to the safety of any passenger or driver of a school vehicle.

The following rules must be followed by all passengers on a school bus or in any school vehicle:

1. Show respect for fellow students and the driver.
2. Respect the property rights of all passengers and driver of the vehicle.
3. Follow directions the first time they are given.
4. Keep all objects and themselves inside the bus.
5. Refrain from throwing objects.
6. Stay in their seats while the bus is in motion.
7. Refrain from cursing, swearing, talking loudly or teasing.
8. Refrain from pushing, shoving or fighting.
9. Refrain from littering or damaging the bus.
10. Refrain from eating or drinking.
11. Refrain from using any type of unauthorized electronic or mechanical device during regular school hours and on school buses. Unauthorized electronic or mechanical devices shall include, but not be limited to, pagers, cellular telephones, I-Pods, computer games, cameras, walkman radios, laser pointers, and other portable electronic devices or the representation thereof. Students will be permitted the appropriate use of cellular phones on school property at school-sponsored activities before and after regular school hours. However, the use of any of the above mentioned devices may not interfere with any school activity.
12. Meet all expectations stated in the Code of Student Conduct.
13. Bring on the bus no large objects such as athletic equipment, large musical instruments, or "projects" for class. Small musical instruments such as a trumpet, violin, or French horn that can be held on the lap are permissible.

**NOTE:** To enhance safety and security, some school buses may be equipped with video cameras. Video taping of passengers in the school bus may be used at the discretion of the school administration. The School Board and principals may add other expectations and consequences as needed to address situations in which the safety, dignity, and welfare of passengers and the driver are involved.

### **Enforcement of Bus Rules**



The driver is responsible for managing student behavior effectively and positively. Drivers are expected to react to student misconduct by warning, conferencing, and assigning seats. Immediate suspension from the bus occurs on the first offense for fighting or other serious infractions as determined by the school administrator.

***First bus referral:*** Warning. Driver completes a written bus discipline referral form. An administrator in each school is designated by the principal to address all discipline referrals from drivers of school buses and other school vehicles. Drivers are required to use the standard discipline referral form. Once the referral is substantiated, the school administrator informs parent(s)/guardian that further violations may result in the student's suspension from the bus. The parent/guardian is required to sign and return to the administrator a copy of the referral by the next school day.

***Second bus referral:*** 1-3 day suspension. Driver completes a written bus discipline referral. Once substantiated, this violation may result in a one-, two-, or three-day suspension from the bus and a required parent contact by an administrator.

***Third bus referral:*** 3-5 day suspension. Driver completes a written bus discipline referral. Once substantiated, this violation may result in a three-, four-, or five-day suspension from the bus and a required parent contact by an administrator.

***Subsequent bus referrals:*** Suspension of 5 days and up to remainder of school year. Driver completes a written bus discipline referral. Once substantiated, this violation may result in a suspension from the bus for greater than five (5) days, including the possibility for the remainder of the school year, and a required parent contact by an administrator.

### **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 designee and are officially recognized and sanctioned by the Hanover County School Board.

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

1. Students may not participate in extracurricular activities if they are under suspension for violations of Hanover County School Board policies pertaining to student discipline. Students on short-term suspensions (less than 11 days) are not eligible to participate in extracurricular activities during the specified period of the suspension, and they may not attend extracurricular activities during that period.
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 a suspension. Students on long-term suspensions (more than 10 days) for such violations as the use and/or possession of alcohol and/or illegal drugs are not allowed to participate nor attend extracurricular activities for the period of the suspension and for a period of 45 days



from the time of the infraction (including the period of suspension). Suspensions for longer periods of time such as 30 and 90 days 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 all 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 designee may make exceptions to this standard for students with extenuating and/or unusual circumstances.
5. Students assigned detention by teachers 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.
6. Students assigned to the In-School Suspension and/or Saturday School Programs may lose the right to participate in the next scrimmage/game/activity following the assignment to the program. The student must report the disciplinary action to the coach/sponsor. The administration and the coach/sponsor will make a determination as to participation.

#### **Compliance with Virginia High School League and Henrico-Hanover Middle School League Rules**

1. Students in grades 9-12 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 Henrico-Hanover Middle School League 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 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 45 school days.

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 forty-five (45) school day suspension from all school extracurricular activities does not include the try-out period for another school sponsored sport/activity. Summer vacation and school holiday/vacation days do not count towards the 45-day suspension.

### **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.

±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.

Students and/or their parents/guardians may appeal any actions taken pursuant to these regulations to the school principal. 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 student to attend an alternative education program, a drug or alcohol abuse program, or other treatment if the student is identified for any of the following criteria:
  - 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;
  - found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the division superintendent pursuant to Virginia Code §16.1-305.1;
  - 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; and,
  - found guilty of possessing, using, or being 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.



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 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 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 parent that the student will be required to attend an alternative education program and
  - notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the division superintendent or his designee regarding such alternative education placement shall be final unless altered by the School Board, upon written petition by the student or his 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 may be suspended or expelled from school attendance pursuant to Virginia Code §22.1-277.

#### **Written Notification of Violation of School Policies by Students in Alternative Education Programs**

Written notification of an offense shall be provided to the parent, guardian, or other person having charge or control of a student in an alternative education program as described in Va. Code § 22.1-209.1:2 when:

- a student commits an offense in violation of School Board policies, and school officials determine the offense was committed without the willful intent to violate such policies, or
- when the offense did not endanger the health and safety of the individual or other persons.

The notification shall be made no later than two (2) school days following the incident. The principal of the school the student attends, or other appropriate school personnel, shall develop appropriate measures, in conjunction with the student's parent or guardian, for correcting such behavior.

#### **Reporting Acts of Violence and Substance Abuse:**

#### **Reports from Law Enforcement Officers to School Administrators**



Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made by the law enforcement officer to the division superintendent, and to the principal or his designee on all incidents involving:

- 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 or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, on school property, or at a school-sponsored activity;
- assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, 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 or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, on school property, or at a school-sponsored activity;
- the illegal carrying of a firearm onto school property; (As defined in §22.1-277.07)
- 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 or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, 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 thereafter; and
- any illegal possession of weapons, alcohol, drugs or tobacco products.

The principal of each school shall collect and maintain information on the above listed acts which occur on school property, on a school bus, or at a school-sponsored activity.

Local law enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (Virginia Code §§54.1-3400 et seq.) and occurred on a school bus or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any of the incidents described in the preceding paragraphs of this section of the Code of Student Conduct, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. Further, if the division superintendent receives notification that a student has committed an act that would be a crime if committed by an adult pursuant to Virginia Code §16.1-260(g), the division superintendent or his/her designee shall report such information to the principal of the school in which the student is enrolled.

### **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 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 on a school bus or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, on school property, or at a school-sponsored activity;
- any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, 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 or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, on school property, or at a school-sponsored activity;
- the illegal carrying of a firearm onto school property (as defined in Virginia Code §22.1-277.07);
- 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 or vehicle or at the school bus stop during the morning or afternoon schedule for transporting students, 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 or vehicles;
- 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 designee.

#### **Purpose**

The purpose of reporting acts of violence and substance abuse shall be to develop a program of prevention activities to provide a safe environment conducive to learning.

#### **Destruction of Property**



The School Board may take action against a student for any actual breakage or destruction of or failure to return property, owned or under control of the School Board, caused or committed by such student.

### **Students with Disabilities**

Students with disabilities will be disciplined consistent with all applicable law.

### **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 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, 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*

## **ACCOMPANYING REGULATIONS**

- 7-3.1 (A) REPORTING DATA
- 7-3.1 (B) STUDENT DRESS
- 7-3.1 (C) PROCEDURES FOR QUESTIONING OF STUDENTS BY THIRD PARTIES
- 7-3.1 (D) USE OF METAL DETECTORS
- 7-3.1 (E) EXPULSION OF STUDENTS FOR CERTAIN DRUG OFFENSES

### **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.

*Revised: June 24, 2004*

#### **REGULATION 7-3.1(B) STUDENT DRESS**

Student dress should not interfere with the orderly operation of the classrooms or school. The following are general guidelines for dress:

1. Messages on clothing, jewelry and other personal belongings that relate to drugs, alcohol, tobacco, sex, vulgarity or that reflect adversely upon persons because of race, sex, color, creed, national origin or ancestry are not permitted.
2. Dress, clothing or accessories that interfere with the orderly operation of the school by attracting excessive attention will not be permitted; this includes clothing that reveals parts of the body in a sexually suggestive manner.
3. For health and safety reasons, appropriate footwear must be worn at all times – bare feet are not permitted.
4. Clothing symbolic of gangs or disruptive groups associated with threatening behavior, harassment or discrimination and which cause or are likely to cause a disruption with the school's environment is not permitted. Symbols of gang membership are expressly prohibited (i.e., wearing or distributing any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang, committing any act or omission, or using speech, either verbal or non-verbal such as gestures or hand shakes).

Decisions regarding the appropriateness of clothing, footwear, and accessories will be made by the building principal.

*Revised: June 24, 2004, July 23, 2007, June 14, 2011*

#### **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 Hanover 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.

*Revised: 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 policies and regulation to safeguard students, employees and property of the Hanover 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 Hanover 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 Hanover 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 Hanover 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.
9. 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*

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

#### **REGULATION 7-3.1 (E) EXPULSION OF STUDENTS FOR CERTAIN DRUG OFFENSES**

The Superintendent or his designee is authorized to conduct a preliminary review of any case in which a student has been charged for the first time with possession of a controlled substance, imitation controlled substance, or marijuana, as defined in §18.2-247 of the Code of Virginia, on school property or at a school-sponsored activity, to determine whether a disciplinary action other than expulsion is appropriate. If a determination is made that a disciplinary action other than expulsion is appropriate, any subsequent disciplinary action against the student shall be taken in accordance with Title 22.1, Chapter 14, Article 3 of the Code of Virginia, as amended.

*Adopted: July 14, 2009*



<b><u>TEACHER'S REMOVAL OF STUDENT FROM CLASS FORM</u></b>
School Name:
Student:
Teacher:
Class:
Date:
Description of Behavior:
Administrative and/or Teacher Interventions Attempted Prior to Removal And Results
Date of Prior Incident Reports: (Note: Prior incident reports must be attached.)
Signature of Teacher: