

August 2009

Dear Student and Parent:

Welcome to the new school year! This document explains the expectations, rights, privileges and responsibilities for students, parents and staff.

Establishing and adhering to student conduct standards will help us create an environment conducive to high achievement for all. The school division is required by the Code of Virginia to publish and distribute a Code of Student Conduct to all students and parents annually.

The Mutual Accountability Agreement at the back of the book reminds us that education is a mutual responsibility of students, parents, teachers and administrators. This document is mailed to all households for both parents and students to sign and return. The Agreement is an excellent way to strengthen the home/school connection and our partnership in supporting students. You will also receive a “Highlights” version of the Code of Student Conduct. This abbreviated version may be used as a quick reference, but is not intended to replace the full Code of Student Conduct booklet.

Please review the Code as a family and discuss the contents with your student. Teachers and administrators will review the Code with students at the opening of school. If you have questions, please contact a member of the administrative team at your student’s school.

Sincerely,
Dr. Rosa S. Atkins
Superintendent

Value of a high school diploma

Thirty years ago, most dropouts could still find jobs that paid enough to support a family, but young people who leave school today face a lifetime of economic hardship. Between 1974 and 2004, the annual earnings of families headed by a high school dropout declined by nearly one-third, as cited by the Center for Public Education.

U.S. Bureau of Labor Statistics prove that high school graduates earn an average of \$7,000 more per year than individuals without a diploma. Estimating a 25-year-old who works full-time for 40 years calculates that having a high school diploma could mean as much as \$280,000 in additional pay over the course of your lifetime.

Education can be the key to higher earnings, but it is even more importantly linked to the accumulation of assets. Household wealth, also known as “assets,” is broadly defined as the accumulation of investments that appreciate over time. This wealth may take various forms, including cash investments, savings, material possessions that hold value and investments in nontangible property such as degrees. Research shows that, on average, households headed by a high school graduate accumulate ten times more wealth than households headed by a dropout.

In other words, for every \$500 of wealth in households headed by a high school dropout, their peers with diplomas have accumulated approximately \$5,000. Based on this finding, the Alliance for Excellent Education has determined that the citizens of the United States would have over \$74 billion more in accumulated wealth if all heads of households had graduated from high school. In Virginia, there would be \$1,858,774,500 more wealth.

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1. MISSION AND PURPOSE

Mission

The mission of Charlottesville City Schools is “Personal and Academic Success for ALL!” If this is to be accomplished, an atmosphere that fosters a disciplined student body must exist so that students enjoy appropriate educational opportunities and experiences. Students must develop self-discipline in order to promote an environment conducive to learning.

Purpose of the Code of Conduct

The Charlottesville City School Board believes that all students have the right to an environment that is safe, drug-free, and conducive to learning. To that end, the student conduct policy sets forth standards for student conduct. The primary objectives of the standards of student conduct are to provide standards and guidelines for student behavior; to assist the student in becoming a responsible, productive, and self-disciplined citizen; and to maintain a safe and orderly environment in the classroom and all other areas of the school.

2. RESPONSIBILITIES

Partnership

School personnel have a responsibility to:

- Initiate and maintain an orderly school environment
- Initiate and maintain open communication with parents
- Develop a discipline plan that is based on the needs of the individual student and the school community as a whole
- Be familiar with the Code of Student Conduct and discuss it annually.

Parents and guardians have a responsibility to:

- Ensure students attend school regularly
- Ensure students arrive at school and to class on time
- Notify the school when students are absent
- Teach students to assume responsibility for learning and respecting the rights of others
- Provide accurate information to the school to ensure that the school can have immediate contact with parent(s) or guardian(s) in case of an emergency
- Provide students’ birth certificates, social security numbers, documentation of physical examinations and completed series of immunizations upon initial entry to school as required by the Code of Virginia
- Provide a sworn statement or affirmation indicating whether students have been expelled from attendance at a private school or public school division of the Commonwealth or in another state for offenses in violation of School

Board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person as required by the Code of Virginia Sign and return a statement to the School Board office acknowledging receipt of the Board's Code of Student Conduct as required by the Code of Virginia.

School principals may request a meeting with parents/guardians to discuss student conduct and other matters. A parent who willfully and unreasonably fails to accompany a suspended student to meet with school officials to discuss improving the student's behavior or, upon the student's receiving a second suspension or being expelled, may be reported to the Juvenile and Domestic Court. The court may order the student and/or one or both parents, if they have legal and physical custody, to participate in parenting counseling or a mentoring program, as deemed appropriate, to improve the student's behavior.

Students have a responsibility to:

- Comply with all rules and regulations of the school division, state and federal governments
- Attend school regularly
- Arrive on time to school and to each assigned class
- Bring appropriate supplies, textbooks and/or equipment as required for class
- Accept the authority of school personnel, and appeal decisions through appropriate channels
- Obtain and complete assignments when absent
- Seek help when needed
- Respect other students, school personnel, parents and visitors
- Accept responsibility for their actions

Mutual Accountability

Parents, students, teachers, and principals must sign the Mutual Accountability Agreement by the end of the first month of school. Failure by the parents or students to sign the agreement may result in loss of privileges for the student.

3. GENERAL INFORMATION

Overview

The Charlottesville City Schools division expects students to be responsible, respectful, dedicated to achieving their full potential, and full partners in the educational process, along with their parents and school personnel.

It is the school division's responsibility to provide competent personnel, effective instruction, and appropriate support services so that students may realize their potential, and eventually become gainfully employed. Parents, students, the school division, and the community are partners in this endeavor. To this end, an orderly, safe, and secure environment must exist in our schools. The policies, regulations, and references within the Code of Student Conduct are consistent with federal and state laws and regulations and relevant case law.

Minute of Silence

The daily observance of one minute of silence in each classroom is required by state law (Code of Virginia 22.1-203). During the one-minute period of silence, the teacher shall take care that all students remain seated and silent. The teacher further shall ensure that no student disrupts or distracts other students during the minute of silence.

Conduct Going To and From School

The authority of school administrators and School Board over the conduct of students is not limited to that occurring on school property during regular school hours. The authority extends to the conduct of students on their way to or from school and to students who participate in school-sponsored events off school grounds, in- or out-of-town, or on overnight trips and weekends. Unless otherwise noted, all behaviors included in the Code of Conduct are subject to disciplinary consequences for conduct on school property, at school-sponsored events and on school vehicles.

In the opinion of the attorney general, administrators "may subject students to punishment for acts committed away from school property and outside of school hours which are detrimental to the interests of the school or adversely affect school discipline (1960-61 Opinion Attorney General 274)."

Reference Chart for Code of Conduct/Discipline Referral Form

Code of Conduct Entry	Refers to....
4	Alcohol, Other Drugs, and Tobacco Products
5	Attendance
6A	Bullying
6B	Sexual Offenses
6C	Assault/Battery
6C-1	Sexual Battery
6D	Gangs and Gang Activity
6E	Hazing
6F	Stalking
6G	Explosive Devices
6H	Extortion
6I	Threats or Intimidation
6J	Kidnapping
7A	Student Dress
7B	Gambling
7C	Fighting
7D	Rioting
7E	Knowingly Making False Reports
7F	Inappropriate Literature or Illustrations
7G	Insubordination and Disrespect
7H	Profane or Obscene Language or Conduct
8A	Electronic Devices
8B	Internet Use
9A	Firearms and Destructive Devices
9B	Weapons and Dangerous Objects
10A	Cheating
10B	Plagiarism
10C	Falsification
10D	Theft
11	Property Offenses
12	Trespassing On School Property

4. ALCOHOL, OTHER DRUGS, AND TOBACCO PRODUCTS (State Reporting Codes AL1, DR1-DR5, D4G-D6G, TB1, T4B)

A student may not bring, possess, use, buy or sell, manufacture, or distribute alcohol, tobacco and/or tobacco products, and other drugs on school grounds, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, tobacco including smokeless, anabolic steroids, inhalants, stimulants, depressants, hallucinogens, marijuana, imitation or look-alike drugs, drug paraphernalia, and any drug not prescribed for the student by a physician. Any student who brings, possesses, or uses prohibited substances may participate in prevention and intervention activities deemed appropriate by the Superintendent or designee.

The Charlottesville School Board may require any student who has been found in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school sponsored activity to undergo evaluation for drug and/or alcohol abuse. The Board may require the student to participate in a treatment program if recommended and with parental consent.

Disciplinary consequences for any drug or alcohol offenses will be determined on a case-by-case basis and will adhere to state and federal laws.

Administration of Student Medications

All medications (prescription and over-the-counter) must be administered using the medications' policy for the school division. All medication must be in the original container with physician and parental signature. The medications must be brought to the school nurse and dispensed from the office or clinic. The only exception allowing a student to possess any medication is for students with asthma or anaphylaxis.

Self-Administration of Asthma Medication and Auto-Injectable Epinephrine

Students with a diagnosis of asthma or anaphylaxis, or both, are permitted to possess and self-administer inhaled asthma medication or auto-injectable epinephrine, or both, as the case may be, during the school day, at school-sponsored activities, or while on a school bus or other school property provided the following conditions are met:

Written parental consent that the student may self-administer inhaled asthma medication or auto-injectable epinephrine, or both, must be on file with the school;

Written notice from the student's health care provider must be on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medication or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the

medication, the frequency in which it is to be administered, and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication;

Information regarding the health condition of the student may be disclosed to school board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

Permission granted to a student to possess and self-administer asthma medication or auto-injectable epinephrine, or both, will be effective for a period of 365 calendar days, and must be reviewed annually. See: Charlottesville City School Board Policy Manual; Policy 7-31, File JHCD.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Removal of student from class or activity
- Parent or guardian contact
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

5. ATTENDANCE (State Reporting Code A1T)

Student attendance is a cooperative effort; schools shall involve parents and students in accepting responsibility for regular attendance. Regular daily attendance has a positive impact on student achievement and develops the habits of responsibility, punctuality and self-discipline. In enforcing the regulations listed in this document, the age, maturation level and/or disabling conditions of the student will be considered.

In accordance with the Code of Virginia, Section 22.1-254, it is the legal responsibility of parents and guardians to ensure that students are in regular daily attendance for the entire school day. It also is their responsibility to seek homebound instruction when their students are absent from school because of extended periods

of illness. Noncompliance with state law may lead to legal action and/or referral to law enforcement authorities.

The School Board promotes regular attendance by providing the services of attendance officers, social workers and school nurses to assist parents in finding solutions to attendance and/or medical problems. The attendance officers are authorized and required to file petitions in the Juvenile and Domestic Relations Court to obtain compliance with the school attendance laws.

Absence from School

Regular, prompt attendance is essential for students to receive maximum benefits from the school's educational program. Recognizing that there are legitimate circumstances that may prevent students from being in school, the School Board provides that a principal shall excuse students who are absent because of:

- Personal illness or illness in the immediate family
- Death in the family
- Medical or dental appointment
- Court appearance
- Religious holiday or instruction
- Emergency that, in the judgment of the principal, requires absence from school
- A trip that extends or enhances education, when such a trip is approved in advance by the principal

The principal or the principal's designee must approve in advance requests for excused absences for reasons not listed above.

Parents should contact the school as soon as possible to notify the school of any absence and the reasons for the absence. School staff will attempt to call the parents of any child absent from school to notify the parent of the absence.

Students who are absent from school for an entire day or for one or more class periods must bring notes written and signed by parents or guardians. The note shall contain the reason(s) for the date(s) of the absence(s).

Students who have been absent are responsible for requesting assignments immediately upon their return to school and must complete makeup work within the time period assigned by the teachers. When absences are excused, teachers must provide assignments, tests and other work missed, and schedule a reasonable time period for their completion. Makeup work completed on time will be graded on the same basis as other work. Makeup credit will be given when absences are excused.

Absence from Class

Once students arrive on school property, they may not leave before the end of the regular school day unless signed out by parents or guardians. All students must

maintain a full-day schedule of classes unless they are participating in bona fide work programs, are granted waivers by the division Superintendent or are a student with a disability with an Individualized Education Plan which sets a schedule for less than a full day.

Parents or guardians of students who wish to apply for waivers may do so in writing, clearly stating the reasons for the waivers. Only the Superintendent may grant waivers to students who wish to be dismissed early on a regular basis. The principal or the principal's designee approves early dismissals on an occasional basis.

Tardiness

Students are expected to arrive at school and attend all classes on time daily. Students are tardy when they do not cross the threshold of the instructional area by the sound of the tardy bell. Excessive and unexcused tardiness to school or class creates a serious interruption of the orderly learning process, and corrective action will be taken. Students arriving late to school must be signed in by parents or guardians, or present notes signed by parents or guardians stating the reasons for tardiness.

Truancy

When a student fails to report to school for a total of three (3) scheduled days, school personnel will attempt to make direct contact with the parent to obtain an explanation for the student's absence. School principals or attendance officers will make a reasonable effort to notify the parent either in person or by phone to explain the consequences of continued nonattendance. If a student is absent an additional day after direct contact with the parent, and the attendance officer receives no indication that the parent is aware of and supports the student's absence, the attendance officer shall schedule a conference within ten days with the student, parent, and school personnel to resolve issues related to the student's nonattendance. The conference shall be held no later than 15 days after the sixth absence.

Upon the next absence by such student, without indication that the student's parent is aware of and supports the absence, the attendance officer shall enforce the provisions of Section 22.1-258 of the Code of Virginia by filing a complaint with the Juvenile and Domestic Relations Court alleging the student is a child in need of supervision or instituting proceedings against the parent pursuant to Section 18.2-371 or Section 22.1-262 of the Code of Virginia.

Students who are absent from school (skip) for an entire day or for one or more classes and are picked up by the police or school attendance officers will be transported to the school they attend. On the second occurrence of skipping a petition will be filed in the Juvenile and Domestic Relations Court against the parent and student to obtain compliance with the school attendance laws.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

Suspension of Driver's License

If a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

6. BULLYING/GANGS/INTIMIDATION/EXTORTION

Bullying can contribute to a climate of fear and intimidation in schools. Patterns of behavior associated with bullying that are criminal offenses are as follows: assault, larceny, battery, robbery, extortion, theft, false imprisonment, threats, hazing, and sexual harassment.

A. Bullying (*State Reporting Code BUI*)

Bullying is an intentional, hurtful pattern of behavior against a person(s) that may include physical intimidation, hitting, threatening, teasing, name-calling, stealing, extortion, vandalizing, spreading rumors or false accusations (written or oral), stalking, or other actions that tend to socially isolate a student. Any student found to have engaged in bullying shall be subject to appropriate punishment, up to and including potential suspension and/or expulsion from school, and the principal of said school shall report the bullying to the Superintendent of Schools and, in severe cases, to the appropriate law enforcement agency.

School administrators will also notify the parent of the victim to explain the rights to file charges.

Harassing (State Reporting Code HR1)

Harassing is intentionally annoying or attacking a student or a group of students or other personal which creates an intimidating or hostile educational or work environment. Any student found to have engaged in harassment shall be subject to appropriate punishment, up to and including potential suspension and/or expulsion from school, and the principal of said school shall report the harassment to the Superintendent of Schools and, in severe cases, to the appropriate law enforcement agency.

School administrators will also notify the parent of the victim to explain the rights to file charges.

B. Sexual Offences (State Reporting Codes SX0-8)

The School Board strictly prohibits all forms of sexual harassment against individuals associated with the school on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the division. School-related conduct that the School Board considers unacceptable and often a part of sexual harassment includes, but is not limited to, the following:

- Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the Code of Virginia
- Unwelcome public sexual displays of affection, including kissing, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing and massages
- Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motive or intentions, such as sexual remarks, or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual exploits; sexual rumors and rating lists; hawking, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
- Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation.

In compliance with applicable federal and state law, an administrator will investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of gender or sexual orientation. The principal/designee and/or the Superintendent's designee have the responsibility to conduct an

investigation immediately upon receipt of a complaint of harassment. The procedure for filing a complaint of harassment can be found in the principal's office. Violators of this policy shall be subject to the appropriate disciplinary consequences up to expulsion from school attendance.

False or malicious complaints of sexual harassment will result in corrective or disciplinary action taken against the complainant.

C. Assault and Battery (*State Reporting Code BA1-5*)

An assault is a threat of bodily injury. A battery is an intentional or wrongful physical contact, by any person (student or other) against a person without his/her consent, which entails some injury or offensive touching.

The following violations shall result in disciplinary action and may require mandatory sanctions:

Threatening or physically assaulting another student or another person (other than a staff member) who has reason to be at school, whether or not causing injury, shall result in disciplinary measures up to and including a 10-day suspension and a recommendation for expulsion.

Threatening or physically assaulting school staff members while in the performance of their duties in any school in this division will be reported to the appropriate law enforcement agency and shall result in suspension from school for up to 10 days, and the principal may recommend expulsion. In the event of injury to the staff member, expulsion shall be recommended.

C-1. Sexual Battery (*State Reporting Code SB1-2*)

Any inappropriate behavior which is of a sexual nature including, but not limited to, touching of sensitive and private areas of one's body is considered sexual battery and is prohibited.

D. Gangs and Gang Activity (*State Reporting Code GA1*)

A gang is defined as any group of two or more persons whose purposes or activities include the commission of illegal acts, or the initiation, advocacy or promotion of such acts, or participation in activities which threaten the safety or well-being of persons or property on or off school grounds or which disrupt the school environment.

Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited which include but are not limited to clothing that symbolizes association, rituals associated with, or activities by an identified group of students, displaying gang behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate another student.

Gangs or gang-related activities on or off school grounds and/or at school activities shall be subject to suspension or expulsion by the School Board or committee of the School Board.

E. Hazing (*State Reporting Code HIZ*)

Students are prohibited from recklessly or intentionally endangering the health or safety of another student or students or inflicting bodily harm on another student in connection with, or for the purpose of initiation, admission to 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 so endangered participated voluntarily in the activity. Any student reported for hazing that causes bodily harm to another student shall be recommended for expulsion from school and the principal of said school shall report the hazing to the Commonwealth's Attorney.

F. Stalking (*State Reporting Code STI*)

Stalking is defined as conduct, occurring on more than one occasion and directed at another person, that places that other person in reasonable fear of death, criminal sexual assault, or bodily injury. Students shall not engage in any pattern of behavior that places another person in fear of serious harm. In addition to any disciplinary consequences given for stalking, the principal or designee is required to report stalking to law enforcement officials.

G. Explosive Devices (*State Reporting Codes WP6, WP7, BBI*)

Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices, or hoax explosive devices, or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb other students, school personnel or property.

H. Extortion (*State Reporting Code EXI*)

Extortion, as defined in the Code of Virginia, is the 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 or the person's property, or a third person. Extortion is strictly prohibited.

I. Threats or Intimidation (*State Reporting Code TII-2*)

Students shall not make any verbal or written (including electronic) threats to kill, injure, or use force against another person. This prohibition includes oral or written threats on school property, at school sponsored events and on school division vehicles. Threats against students may be reported to local law enforcement officials; threats against staff members will be reported to local law enforcement officials.

J. Kidnapping (*State Reporting Code KII*)

Unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parents or legal guardian is prohibited.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative class/program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

7. DISRUPTIVE BEHAVIOR (State Reporting Codes D3C, D5C)

Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance within the school setting or during related activities that interrupts or interferes with teaching and orderly conduct of school activities is prohibited. In addition to the following specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise in violation of federal, state or local law.

A. Student Dress (State Reporting Codes S1V, S3V)

The school board and administration of Charlottesville City Schools understand that styles of dress are important forms of expression for students. All students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, or obscene, or clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia, or clothing that contains threats such as gang symbols is prohibited.

Clothing should fit, be neat and clean, and conform to standards of safety, good taste, and decency. Clothing that exposes cleavage, private parts, the midriff, or

undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, clothing constructed of see-through materials, and head coverings unless required for religious or medical purposes.

Additionally, disciplinary action will be taken against any student taking part in gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior.

Parents of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal. Students not complying with this code will be asked to cover the non-complying clothing, change clothes, or go home. Repeated infractions will result in disciplinary action.

B. Gambling (*State Reporting Code G1B*)

Students shall not bet money or other things of value, or knowingly play or participate in any game involving a bet on school property or during any school-sponsored activity.

C. Fighting (*State Reporting Codes FA2, FIT*)

Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury is prohibited. A distinction is made between a fight and an assault/battery. An assault/battery is physical contact from one person to another and a fight is a mutual exchange between two or more people.

Actions, comments, or written messages intended to cause others to fight or which may result in a fight are considered incitement or instigation and such actions are prohibited.

D. Rioting (*State Reporting Code RT1*)

Any unlawful use of force or violence, by three or more persons acting together, which seriously jeopardizes the public safety, peace or order is prohibited. It is unlawful whenever three or more persons assembled share the common intent to advance their purpose by the commission of an act or acts of force or violence likely to jeopardize public safety, peace or order.

E. Knowingly Making False Reports (*State Reporting Code S2V*)

Students shall not willfully or maliciously make false accusations/reports against school personnel or other students. The determination of consequences will be

considered on a case-by-case basis. False reports of child abuse or neglect and false reports to law enforcement officers may constitute criminal violations.

F. Inappropriate Literature or Illustrations (*State Reporting Code D4C*)

Inappropriate literature or illustrations (print or electronic) that are pornographic, obscene or disrupt the educational process are prohibited. Included are inappropriate student expression, distribution of non-authorized literature, and illegal assembly when any of these activities causes a disruption. Internet viewing of pornographic, obscene, or violent graphics is also prohibited.

G. Insubordination and Disrespect (*State Reporting Codes D1C, D2C, D8C*)

Failure to appropriately respond to written or verbal directions given by school personnel is considered insubordination and disrespect. Also included is disobedience or defiance of reasonable requests made by school personnel. Disrespect to students, staff or other adults will not be tolerated.

H. Profane or Obscene Language or Conduct (*State Reporting Code D6C*)

Students shall not use vulgar, profane, or obscene language, or gestures, or engage in conduct that is vulgar, profane, or obscene.

I. Self Defense

Students are subject to disciplinary action for misconduct. Cases for which self defense is claimed must meet the following criteria: (1) the claimant must not have provoked or behaved in a manner to cause the incident; (2) the claimant must have had reasonable fear of danger of harm; and (3) the claimant used no more force than needed for protection from the threatened harm. Such incidents should be reported immediately to school officials. When claims of self defense have been established, the administrator shall: (1) allow the student to present his version of what occurred and (2) review circumstances and relevant information from others pertaining to the incident, including relationships and previous patterns of interaction among the students involved. Findings from the review of circumstances and other relevant information should be considered in determining appropriate corrective disciplinary action. Claims of self defense do not constitute a valid defense against possession or use of a weapon on school property or at any school sponsored activity. Weapons are prohibited on school property and at school-sponsored events.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference

- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative class/program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

8. ELECTRONICS AND INTERNET USE

A. Electronic Devices (*State Reporting Codes C1M-C3M*)

Any portable electronic devices, including any beeper, cell phone, electronic music device, headphone, or other similar device, including any equipment capable of receiving or transmitting text messages, on school property and during the school day must be out of sight, turned off, and used only with authorization from the principal. The school and district are not responsible for the loss or theft of the devices.

In addition to the consequences listed below, any such portable communication device shall be subject to confiscation by school officials and returned only to the student's parent or guardian following the disciplinary process.

B. Internet Use (*State Reporting Codes TIC-T4C*)

Internet use by students shall be in accordance with acceptable computer use policies and regulations. All materials gained through searching or electronic mail communication are accessible to school administrators. Violations of policy will result in a suspension of access privileges.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension

Assignment to an alternative class/program

- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

9. FIREARMS AND OTHER WEAPONS

A. Firearms and Destructive Devices (State Reporting Codes WP0—WP9, W1P, WT1, WS1)

In compliance with the Federal Improving America's Schools Act of 1994 (Part F "Gun-free Schools Act of 1994") and corresponding state laws, any student who brings a firearm, is in possession of a firearm, buys or sells a restricted item, or who has been reported to have brought a firearm or destructive device onto school property, to a school-sponsored activity, or in a school vehicle shall be expelled from school attendance for a period of not less than one year (365 calendar days).

"Firearm" or "destructive device" includes but is not limited to:

- any pistol, shotgun, stun gun, laser, revolver, or other firearm listed in Section 22.1-277.7(E) of the Code of Virginia, designed or intended to propel a projectile of any kind, including a rifle.
- possession of ammunition
- unloaded firearms in closed containers
- any air rifle or BB gun
- toy guns and look a-like guns
- any dirk, knife with blade longer than three inches, or razor
- slingshots
- spring sticks
- brass or metal knuckles, and blackjacks
- any flailing instruments which may be known as nunchaka, nunchaku, or fighting chain
- any disc of whatever configuration, having at least two points or a pointed blade, and which is designed to be thrown known as throwing star, oriental dart, or shuriken
- explosives, as defined in Virginia Code Section 18.2-85 and 18.2-433.1
- firearm muffler, firearm silencer, a pneumatic gun as defined in Virginia Code Section 15.2-915.4 and
- destructive devices as defined in Section 22.1-277.07(E) of the Code of Virginia, or other dangerous articles.

B. Weapons and Dangerous Objects (State Reporting Codes H01-4, W2P, W3P, W8P, W9P)

Carrying, bringing, using, or possessing dangerous instruments in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity on or off school property is grounds for disciplinary action.

Examples of weapons include pellet guns, knives with blades less than three inches, letter openers, screwdrivers, hammers, hatchets, and other devices that could be used to inflict harm upon another person. Not subject to mandatory expulsion is possession of a knife that is customarily used for food preparation or service and is possessed by the student for the sole purpose of personal food preparation and service.

Disciplinary actions for bringing or possession of any of the above listed firearms or weapons will be determined based on appropriate state and federal laws and required consequences.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative class/program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

10. INTEGRITY VIOLATIONS (State Reporting Code S3V)

A. Cheating

Students are expected to perform honestly on any assigned schoolwork or tests. Cheating includes the actual giving, receiving, or use of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. This includes technology and the use of the Internet.

B. Plagiarism

Plagiarism includes using or copying the language, structure, idea, and/or thought of another and representing it as one's own original work. This includes technology and the use of the internet.

C. Falsification (*State Reporting Code S2V*)

Students shall not willfully or maliciously make false accusations/reports against school personnel or other students. Falsification includes forgery or counterfeiting by verbal, written, or electronic transmission. This act also includes school forms, hall passes, permits, notes from parents and doctors, and materials obtained from the Internet. The determination of consequences will be considered on a case-by-case basis. Also, false reports of child abuse or neglect and false reports to law enforcement officers may constitute criminal violations.

D. Theft (*State Reporting Code TH1-2*)

Theft includes acquiring another's possession without right or permission. This may include pocket-picking, purse snatching, theft of electronic data, theft from building, from a motor vehicle, from, coin-operated machines, or theft or attempted theft of a motor vehicle. Any acts of theft are prohibited and will result in disciplinary consequences and possibly, criminal charges.

Felony Charges

Any student charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention or intervention activities. These cases will be reviewed by the Assistant Superintendent for Administrative Services.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

11. PROPERTY OFFENSES (State Reporting Codes TH1, AR1, VA1, BR1, RO1)

The following violations shall result in disciplinary action at the discretion of the principal and may require a report to local law enforcement authorities:

- Willful causing or attempting to cause damage to school property
- Theft of, taking, or trying to take another person's property or money by force, fear, or other means
- Vandalism, arson, or any threat or false threat to damage or destroy in any manner a school building or school property

A student (or the student's parent/guardian) shall be required to reimburse the school board for any property loss, damage or destruction caused or committed by such student.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative class/program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

12. TRESPASSING ON SCHOOL PROPERTY (State Reporting Code TR1)

It is unlawful for persons, including students, to enter upon or remain upon school property in violation of any:

- Direction by the principal or designee to vacate the property
- Posted notice that contains such information
- Suspension or expulsion

All visitors to a school or its grounds shall report to the main office immediately. Persons who fail to do so may be considered trespassers and subject to legal action, and student visitors who fail to do so also may be subject to disciplinary action as well as legal action.

Consequences for violating any of the offenses in this section may include one or more of the following:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative class/program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

13. PUPIL TRANSPORTATION

School Buses

For general education students, riding the school bus is a privilege. Students who ride school buses are expected to conduct themselves in a manner consistent with established standards for classroom behavior. Students who become disciplinary problems on school buses shall be reported to the principal by the driver and may have their riding privileges suspended. Students are also subject to the same disciplinary action as would be prescribed had the behavior occurred at school. The bus driver is in charge of all passengers and has the authority to assign seats and make any other reasonable arrangements deemed necessary to maintain a safe and orderly environment. Bus drivers may refuse transportation to students who possess unsafe objects or whose behavior constitutes a danger to themselves or others. Students are required to ride in their assigned buses and get off at their designated stops. Students may be allowed to ride a bus other than the assigned bus or get off at a stop other than the designated stop if they have written permission from parents or guardians, which has been approved in advance by the principal or principal's designee.

School bus rules are located in school handbooks and are enforced for all students riding buses to and from school, on field trips or participating in extracurricular activities.

Motor Vehicles

Elementary, upper elementary and middle school students are not permitted to drive motorized vehicles of any type to and from school. High school students who meet the requirements and accept the responsibilities of driving private automobiles to school are permitted to do so. Student high school driving privileges depend upon the student's willingness to follow the parking and auto usage regulations prescribed by Charlottesville High School. A student who drives to the high school must park in a designated student parking area and must display a Charlottesville High School parking decal on the rear bumper or window of the car. Unlicensed motor vehicles, including mini-bikes, are prohibited from school grounds. Failure to adhere to these regulations could result in forfeiture of the privilege of parking a motor vehicle on school property or, in the case of a parking violation, having one's vehicle towed from the premises at the operator's expense. All cars parked on public school property are subject to search.

Bicycle Riders

Bicycles may be ridden to school. The safety of the rider and the securing of the bicycle are the responsibility of the rider. Improper use of bicycles, such as riding in bus-loading areas, constitutes grounds for the loss of bicycle parking privileges. Bike riders are prohibited from violating the property rights of homeowners, apartment dwellers, and businesses on their way to and from school. The school principals evaluate traffic and safety conditions surrounding their buildings to determine whether or not bicycle riding is safe.

Walkers

Students who live within the designated walkers' zones are required to use safe routes and arrive promptly at school. Student walkers are prohibited from abusing the property rights of homeowners, apartment dwellers, or businesses on their way to and from school.

14. CONSEQUENCES OF INAPPROPRIATE BEHAVIOR

Inappropriate behavior in school, at school functions, on school vehicles and on school property may range from impoliteness to flagrant disregard of the rights of others. The consequences that follow inappropriate behavior must involve counseling and monitoring of subsequent behavior if self-control is to develop. Consequently, nearly all discipline begins with student/teacher conversation.

Depending upon the seriousness of the inappropriate behavior and the frequency with which it occurs, the following additional consequences may take place:

- Teacher/student conference
- Removal of student from class or activity
- Parent or guardian contact
- Student/school administrator conference
- Student/parent/teacher conference
- Student/parent/school administrator conference
- Referral to support personnel and/or outside professionals
- Detention before or after school
- In-school suspension
- Assignment to an alternative program
- Referral to juvenile court services
- Involvement with city police
- Suspension
- Expulsion

It is not implied that all consequences listed above must occur or that a specific sequence of consequences must occur. It is essential that the student be made aware of inappropriate behavior and that an effort be made by school personnel, parent or guardian, and the student to prevent reoccurrence of such behavior.

Depending on the severity and/or frequency of offenses committed by a student, the principal or administrative designee may suspend or recommend expulsion.

To protect student rights, certain procedures are followed with regard to major disciplinary actions. These procedures are developed in compliance with law or regulation. Parents and guardians will be notified of disciplinary action as soon as it is practical.

15. ROLE AND RESPONSIBILITIES OF SCHOOL PERSONNEL

School Resource Officers

School Resource Officers (SROs) are sworn law-enforcement officers employed to assist in the enforcement of School Board policies, rules and regulations as they relate to the Code of Student Conduct and other applicable city, state and federal laws. The SROs will intervene in any potential conflict, verbal or physical, and have the legal authority to arrest, if necessary.

Teacher Removal of Students from Class

Teachers may remove from class a student who engages in conduct that interrupts or obstructs the learning environment. The following shall be grounds for removal from a Charlottesville City School classroom:

- Assault upon, disorderly conduct toward, harassment of, intimidation of, discrimination against, or any criminal offense against, another student or teacher
- Continued willful disobedience or open and persistent defiance of proper authority
- Use of obscene or profane language or gestures to another student or staff member
- Willful destruction or defacing of school property, another student's property, or a staff member's personal possessions

School personnel shall discuss the consequences for the negative behavior and decide on the appropriate time for the student to return to class. Before the student returns to class, the student and the teacher must have a conference.

Reasonable Actions by School Personnel

Official school personnel may use reasonable physical contact or other actions designed to maintain order and control to:

- quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property;
- prevent a student from inflicting physical harm on himself;
- provide for self-defense or the defense of others; or
- obtain possession of weapons or other dangerous objects or controlled substances.

Search and Seizure

The following guidelines are established for searches:

The extent of the search is limited to an examination necessary to find a weapon or other contraband for which reasonable suspicion originally existed.

Circumstances may exist in which a school administrator has substantial reason to believe that one or more in a group of students is in possession of a dangerous weapon or other contraband. In such a case, the immediate safety of students is the administrator's primary concern. If the possession of the dangerous instrument can be limited to an identified group, reasonable suspicion to search members of the group will exist.

The school administrator must make a list of the objects found and write a brief explanation of why the search was conducted. Upon completion of the search, a copy of the recorded information must be kept on file and a copy sent to the Superintendent's designee. Weapons and other illegal materials shall be reported to

law enforcement authorities specified in this Code. The principal must maintain documentation of all searches.

1. Parent Notification of Search

Parents or guardians will be notified as soon as possible whenever a search is conducted. Information as to why the search was conducted and whether anything was found during the search will be sent by mail or hand delivered to the parents or guardians as soon as possible.

2. Lockers and Other Storage Facilities

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of the school administration and students. The school administration has the right to search lockers, desks, vehicles and other storage facilities for items that violate law, school policies and regulations, or which may be harmful to the school or to its students and staff. Lockers and other storage facilities are subject to periodic searches by school officials and drug-sniffing dogs. The search of students by drug-sniffing dogs is prohibited.

3. Personal Searches

While a student does have some expectation of privacy regarding personal possessions, a student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school officials whenever the official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation.

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

Strip searches may be used only when an extremely serious situation exists requiring immediate action. Such a search should be used only in the context of imminent threat of death or great bodily injury to a person or persons. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or his designee, unless the health or safety of the student is endangered by the delay.

4. Use of Metal Detectors

A school administrator may use a metal detector for a search where there is reasonable suspicion that the search will disclose the possession of a weapon or other contraband by the student being searched.

5. K-9 Searches

The Charlottesville City Schools, in cooperation with the Charlottesville City Police Department and the Virginia State Police may conduct searches of the Charlottesville City Schools' parking lots, lockers and classrooms. Specially trained dogs will be used in these searches which are designed to keep the schools safe and drug-free. The searches will be conducted randomly and without prior warning or announcement. The students will not be in contact with the dogs. The search of students by drug-sniffing dogs is prohibited.

6. Search of Vehicles

If an administrator has reasonable suspicion that contraband or a weapon is in a student's vehicle, the principal shall request that the student submit to a search of the vehicle. If the student refuses, the principal may suspend the student immediately and contact the parent or guardian and/or law enforcement officials. The privilege of driving to and parking at school will be revoked. If the suspected contraband is in plain view in the vehicle, the administrator may contact a law enforcement officer at the same time the student and/or parent are notified.

16. SUSPENSIONS

In School Behavioral Intervention (ISBI) Site

Students suspended from school may be assigned to the ISBI Center located at Walker Upper Elementary School, Buford Middle School and Charlottesville High School. They may be required to report to the Center on the initial day of the suspension. Parents and guardians are responsible to ensure that the students attend and report on time. Failure to report to the Center on the first occurrence may result in further disciplinary action. It is a safe waiting area for students identified as skipping school by police or attendance officers. Officers may detain and escort students to the center. Repeat offenders will be referred to the 16th District Juvenile Court Service Unit.

Suspensions for 10 Days or Less

The principal, assistant principal or designee may suspend a student for 10 days or less with the following procedures:

- The student shall be informed of the proposed action and reasons for the suspension orally or in writing.

- The student shall be given an opportunity to explain orally or in writing the circumstances of the alleged misconduct from his/her perspective and to present witnesses on his/her behalf.
- The student shall be informed of the conditions of the suspension, and prohibition from coming on school property and/or to scheduled school activities.
- The principal shall notify the student's parent or guardian in writing stating the condition of the suspension and the date that the student may return to school. A copy of the letter of suspension shall be given to the student, if possible, and mailed to the student's parent or guardian and reported to the division superintendent or superintendent's designee. The division superintendent or the superintendent's designee shall review the action taken by the principal, assistant principal or designee upon an appeal by the student or student's parent. The decision by the division superintendent or superintendent's designee shall be final.

Emergency Suspension

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be summarily removed from school immediately. The notice, explanation of facts, and opportunity to present his or her version required under "Suspensions for 10 Days or Less" shall be given as soon as practical thereafter.

Assignments During Suspension

For students who have been suspended for 1-10 days, the principal or designee will provide academic assignments/content intended to be covered by teachers. Completed assignments will be turned in to the principal or designee. Students must complete assignments within a time frame equal to the number of days suspended and at the convenience of the teachers.

Suspensions for More Than 10 Days

The Superintendent or his designee may suspend students from school in excess of 10 school days in accordance with the following:

- The student and parent or guardian shall be provided written notice of the proposed action and the reason, and of the right to a hearing.
- The student and parent or guardian has the right to review the student's school records.
- The student and parent or guardian shall be provided a copy of the Code of Student Conduct.
- If the student is suspended pending the hearing, the student may be assigned to the Alternative Education Program/ISBI Center.

- In any case in which a student has been suspended by the Superintendent or his designee, the student and parent or guardian may appeal the decision to the committee of the School Board.
- Such appeal must be in writing and must be filed with the Superintendent's designee within seven (7) calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal.
- Such appeal shall be decided by the School Board or a committee of the School Board within 30 calendar days.

Alternative Education Program

The Alternative Education Program serves students attending the Charlottesville City Schools who are unable to complete their education in a traditional academic setting. The program emphasizes an individualized program of course work, work experience, vocational training, and comprehensive counseling. Students may earn a high school diploma or GED certificate. Only the Superintendent's designee, acting upon the principal's recommendation, may place a student in the Alternative Education Program. Students who are suspended or expelled from another school division are not candidates for the Program. Students referred for placement in the Alternative Education Program must meet one of several criteria:

Documented history of disruptive behavior

Detention or conviction by the police or court system for possession of weapons, assault, unlawful wounding, possession and/or distribution of controlled substances and marijuana, arson, and burglary, etc.

Long term suspension (more than 20 days) or expulsion ordered by the School Board or committee of the School Board

Habitually Disruptive Students

A habitually disruptive student is defined as a student who has been suspended three (3) to ten (10) days on three (3) different occasions during the school year for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school sponsored activities or events.

The student and the parent, guardian or legal custodian shall be notified in writing of each suspension.

If the student is declared habitually disruptive, the principal/designee shall recommend expulsion or a placement in the Alternative Education Program.

No student shall be declared habitually disruptive prior to the development of a student remedial discipline plan that shall address the student's disruptive behavior, his or her educational needs, and the goal of keeping the student in school. The remedial discipline plan shall be developed after the first suspension for serious

student code of conduct violation. If necessary, the discipline plan should be renewed and modified after a second suspension. The school shall encourage and solicit the full participation of the student's parent or guardian in the development of the remedial discipline plan.

17. EXPULSIONS

Expulsion Process

The principal may recommend that a student be expelled. The principal shall notify the student and a parent or guardian in writing of the following:

- The proposed action and the reasons
- The right of the student and parent or guardian to a hearing before a committee of the School Board
- The right to inspect the student's school records

If the Superintendent's designee approves the recommendation of expulsion, he will notify the Board Chair of the need for designating a committee of the Board to hear the case. The student may be assigned to the Alternative Education Program until the committee of the School Board decides the matter. The procedure for the School Board committee hearing the case for expulsion is as follows:

- The School Board committee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified.
- The parties shall present their evidence; the principal shall present evidence first.
- Witnesses may be questioned by the School Board committee and by the parties or their representatives. The School Board committee may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the opportunity to examine witnesses.
- The School Board committee may take the testimony of the student witnesses outside of the presence of the student, the parent or guardian, and their representatives if the School Board committee determines, at its discretion, that such action is necessary to protect student witnesses.
- The parties shall produce such additional evidence as the School Board committee may deem necessary. The School Board committee shall be the judge of the relevancy and materiality of the evidence. The rules of evidence shall not apply.

- The School Board committee may receive exhibits as offered by the parties and, when received, shall be marked and made part of the record.
- By majority vote, the School Board committee may vote, uphold, reject, or alter the recommendation.
- The School Board committee shall transmit its decision, including the reasons, to the student, parent or guardian, principal, and Superintendent within three days of the hearing.
- If the committee's decision is not unanimous, the student, parent or guardian may appeal the committee's decision to the full board. Such an appeal shall be decided by the School Board within thirty days.
- An explanation regarding the terms of the expulsion, conditions or an individualized academic and behavior plan for possible readmission should be provided to the student and parent/guardian. The notice should specify if the expulsion is for 365 days or is a total expulsion.

Readmission Following an Expulsion

The Superintendent or his designee will consider readmission for a student who has been expelled. In cases where readmission is desired, the principal or designee will develop a behavior modification plan with the student and parent with criteria for readmission. The plan will be approved by the Superintendent or designee. When readmission is requested, documentation of the successful completion of the plan is the responsibility of the student and the parent or guardian. The parent and parent or guardian must submit the request for admission to the Superintendent or designee for review.

In those instances where the Superintendent denies student readmission, the student and his or her parent or guardian may appeal to the School Board committee for a review of the Superintendent's decision. This request for an appeal to the School Board committee must be made in writing within seven days of the date of receipt of the Superintendent's decision.

The following procedures shall be followed for a readmission request:

The parent or guardian shall submit a written request to the Superintendent. This request shall include the reason for requesting readmission and a brief summary of the student's activities since the time of expulsion. The current address and telephone number of the parent or guardian must be included.

The principal will contact the parent or guardian to schedule a conference. At the conference, the parent or guardian and student shall submit supporting testimony and documentation for the readmission. A recent drug-screening test for substance abuse may be required.

Other documentation may include, but is not limited to:

- Evidence of successful court probation
- Evidence of counseling with a recommendation for readmission from the student's therapist
- Letters of reference from employers, teachers, counselors
- Evidence of successful employment
- Evidence of successful school experience since the expulsion
- Other relevant material as determined by the school staff
- Completion of the student's readmission contract
- An information release form signed by the parent or guardian must be signed to enable school officials to confer with recommended references regarding readiness to return to school.

Expulsions from Outside the School Division

A student who has been expelled from a public or private school in any state for violation of school policies on weapons, alcohol, drugs, or willful infliction of injury to another person will be excluded from attendance up to one year (365 days). A student has the right to appeal the decision at a hearing held by the School Board or committee of the School Board (HB570, Code & 22.1-277.2). To determine whether a student seeking admission may be subject to exclusion, school boards have been directed to require the student, parent or guardian to provide upon registration a sworn statement or affirmation indicating whether the student has been expelled from attendance at a public or private school in any state for violation of school policies on weapons, alcohol, drugs, or willful infliction of injury to another person. The statement shall be maintained as a part of the student's scholastic record. The making of a false statement is punishable as a Class 3 misdemeanor (HB2360 & 22.1-3.2).

18. SPECIAL EDUCATION AND STUDENT SERVICES

Special Education Students

A special education student may be suspended for 10 days or less in accordance with the school division's suspension policies. The Principal/designee is responsible for keeping a tally of the number of days of suspension received by each student with disabilities.

If further suspension occurs beyond the tenth day, a Manifestation Determination Review meeting must be held.

If a pattern of misconduct is evident in the suspensions, a Manifestation Determination Meeting must be held in order to:

- review the student's current educational/behavioral situation and all available information
- discuss the misconduct which resulted in the suspension
- determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or
- determine if conduct in question was the direct result of Charlottesville City Schools' failure to implement the Individualized Education Program.

If the committee determines that either of the last two statements apply, there is a manifestation and the student is not disciplined (except for any applicable 45 school day removal). The IEP may be reviewed and revised.

Manifestation Determination Meetings must be held within 10 days of the suspension decision.

The following individuals are typically present at the Manifestation Determination Meeting:

- ◆ Director of Special Education/designee
- ◆ building principal/designee
- ◆ student's general education teacher
- ◆ student's special education teacher
- ◆ psychologist
- ◆ visiting teacher/school social worker
- ◆ student's parents, and
- ◆ student, if appropriate

The Director of Special Education/designee, who also schedules the meeting and notifies the participants, typically chairs Manifestation Determination Meetings. If the committee members find that the misconduct was a manifestation of the student's disability, the student may not be given a long-term suspension or expelled. If, on the other hand, the committee finds that the misconduct was not a manifestation of the disability, the student may be disciplined, just as if he/she were non-disabled. Education services, however, may not be terminated. Students whose misconduct involves illegal drugs, weapons, or serious bodily injury to another person may be suspended for 45 school days to an alternate educational setting. Suspensions of longer than 10 days automatically require that a Manifestation Determination Meeting be held. For any student whose IEP specifies the handling of discipline, the IEP provisions will supersede this policy.

Students Not Yet Determined to be Disabled

Students who are not eligible for special education and related services are not covered by these additional disciplinary procedures unless it can be established that

the school division, prior to the misconduct, had knowledge of a disability as established by one of the following criteria:

The parent has expressed concern in writing to supervisory or administrative personnel of the school division or to a teacher of the child (unless the parent is illiterate or has a disability that prevents providing written notice) that the student is in need of special education and related services;

The parent has requested an evaluation of the child, but no evaluation was conducted; and

The teacher of the student and/or other qualified personnel has expressed written concern about the behavior or performance of the student to the Director of Special Education or to other qualified personnel.

Criminal Activity by Students with Disabilities

Crimes committed by a child with a disability may be reported to appropriate authorities. School division personnel must send copies of the special education and discipline records to the authority to whom the crime is reported. The transmission of records must be in compliance with the Family Educational Rights and Privacy Act.

19. EQUAL ACCESS

This policy is intended to implement the Federal Equal Access Act, 20 U.S.C. Section 4071, et seq., as upheld by the Supreme Court in *Board of Education v. Merges*, 496 US. 226 (1990). The School Board believes that it is important for students to learn the responsible exercise of freedom of speech, as well as the leadership qualities, individual skills, and team cooperation that student extracurricular activities develop. In adopting this policy, the school division does not forego its authority to maintain an orderly and disciplined school environment. Students shall have a limited open forum for student groups wishing to meet to engage in speech, subject to the following criteria:

- Students shall be permitted to meet during non-instructional time of the students involved in the meeting.
- All meetings shall be student-initiated and open to all students in the school. Student attendance at any meeting shall be voluntary.
- All student groups shall have a faculty advisor. The faculty advisor for religious student groups shall be present only in a non-participatory role to monitor student safety.
- Student groups may invite nonschool persons to attend their meetings, as long as the nonschool persons do not direct, conduct, control, or regularly attend activities of the group. Nonschool persons must follow the school's established procedure for allowing nonschool persons on campus, including registration procedures.

- All student groups shall have equal access to the school newspaper, bulletin boards, public address system and club fairs.
- Permission to meet will not be given to any meeting that:
 - Materially and substantially interferes with the orderly conduct of educational activities within the school
 - Is likely to involve unlawful conduct
 - Threatens order and discipline on school premises
 - Threatens wellbeing of students and staff
 - Requires involuntary attendance of the students

The school, its agents and employees will not:

- Influence the forum or content of any prayer or other religious activity
- Require any person to participate in prayer or other religious activity
- Expend public funds beyond incidental costs for student-initiated meetings
- Compel any employees to supervise a meeting to which he/she objects
- Impose a minimum size limit on student meetings

20. LEGAL BASIS FOR CODE OF STUDENT CONDUCT

Each local school board shall ensure that the policy manual includes “the standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.” (*Code of Virginia 22.1-253.13:7.D.3 also known as Standards of Quality, Policy Manual, Policy 7-41*) Section 22.1-78 of the Code authorizes local school boards to adopt bylaws and regulations “for its own government, for the management of its official business and for the supervision of schools, including but not limited to the proper discipline of students, including their conduct going to and returning from school.” Section 22.1-279 (6.B and .9) of the Code also require local school boards to adopt and revise regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Virginia Board of Education. Procedures for suspension, expulsion, and exclusion decisions are required along with a biennial review of the student conduct code. Prohibitions against hazing and profane or obscene language or conduct must be included. School divisions are authorized to regulate certain communications devices and at their discretion, require or encourage drug testing. School Boards are required to work in cooperation with local law enforcement agencies, juvenile and domestic court judges

and personnel, parent and the community at large to develop programs to prevent violence and crime on school property and at school-sponsored events.

21. NON-DISCRIMINATION

The Charlottesville School Division does not discriminate on the basis of race, religion, color, national origin, gender, sexual orientation, or disability in providing education or in providing access to benefits of education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; the Individuals with Disabilities Education Act (IDEA), and the regulations regarding student conduct as required by Virginia School Laws.

The Division designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 as amended:

Name: Dr. Faye A. Giglio
Position: Director of Human Resources
Address: 1562 Dairy Road, Charlottesville, VA 22903
Telephone: (434) 245-2400

The Division designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended and Title II of the Americans with Disabilities Act as amended:

Name: Dr. Beth J. Baptist
Position: Director of Special Education and Student Services
Address: 1400 Melbourne Road, Charlottesville, VA 22901
Telephone: (434) 245-2405

The Division designates the following employee to coordinate its efforts to comply with its policies, regulations and applicable state laws regarding student discipline and attendance as amended:

Name: Mr. James M. Henderson
Position: Assistant Superintendent of Administration
Address: 1562 Dairy Road, Charlottesville, VA 22903
Telephone: (434) 245-2400

For a comprehensive review of student services, see the Charlottesville City School Board Policies and Regulations Manual.

APPENDIX A
OFFENSES AND PROBABLE CONSEQUENCES

These Tables have been taken directly from Student Conduct Policy Guidelines 2005 Update adopted by the Virginia Board of Education.

**Suspension of 10 days and
Mandatory
Recommendation for
Expulsion**

- Sexual assault or battery
- Mob assault
- Distribution or manufacture of alcohol or inhalants
- Possession of controlled or imitation controlled substance
- Illegal use or possession of prescription drugs (second offense)
- Distribution or manufacture of a controlled substance, illegal drugs, or drug paraphernalia
- Unauthorized use or possession of any weapon or any object used as a weapon
- Under influence of marijuana or other controlled substance within 12 months of prior offense

**Suspension of Up to 10
Days**

- Use, possession, or under influence of alcohol, inhalants, or nonalcoholic beer
- Under influence of marijuana or other controlled substance (first offense)
- Distribution of nonprescription drugs
- Illegal use or possession of prescription drugs (not classified as controlled substances) (first offense)
- Assault or assault and battery

**Discretion of the Principal
(Consequences range from an
intervention without suspension
to a recommendation for
expulsion.)**

- Physical assault on staff with bodily injury
- Threat to assault a staff member; threat or assault of another student
- Disruption, disobedience, insubordination, defiance of school officials
- Endangering well-being of others; fighting, bullying
- Possession or display of obscenity; indecent exposure
- Cursing, verbal abuse including gestures
 - False reporting of harassment
- Fireworks – use or possession
- Forgery, cheating, plagiarism, dishonesty, theft
- Gambling
- Improper touching
- Unauthorized or illegal use or disruption of information technology
- Gang-related activities
- Portable communication devices
- Attendance violations
- Use or possession of nonprescription drugs
- Vandalism of school property; bomb threats
- Unauthorized presence
- Tobacco violations
- Hazing

Appendix B

GUIDE FOR REPORTING TO LAW ENFORCEMENT

These Tables Have Been Taken Directly From Student Conduct Policy Guidelines 2005 Update
Adopted By The Virginia Board Of Education

Suspension Of 10 Days & Recommendation For Expulsion	Report To Law Enforcement
Physical Assault On Staff Member With Bodily Injury	Yes
Sexual Assault Or Battery	Yes
Mob Assault	Yes
Distribution Or Manufacture Of Alcohol Or Inhalants	Yes
Possession Of Controlled Or Imitation Controlled Substance	Yes
Illegal Use Of Possession Of Prescription Drugs (Second Offense)	Yes
Distribution Or Manufacture Of A Controlled Or Imitation Controlled Substance, Illegal Drugs, Or Drug Paraphernalia	Yes
Unauthorized Use Or Possession Of Any Weapon Or Any Object Used As A Weapon	Yes
Pulling A Fire Alarm	Yes

Suspension For Up To 10 Days	Report To Law Enforcement
Threat To Assault A Staff Member	Yes
Threat Or Assault Of Another Student	Possible
Use, Possession, Or Under Influence Of Alcohol, Inhalants, Or Nonalcoholic Beer	Yes
Assault Or Assault And Battery Of Another Student Or Person Other Than Staff Member With Bodily Injury	Yes
Assault Or Assault And Battery Without Bodily Injury	Possible

Discretion Of Principal	Report To Law Enforcement
Improper Touching	Possible
Endangering Well-Being Of Others: Fighting, Bullying	Possible
Fireworks-Use Or Possession	Possible
Unauthorized Or Illegal Use Or Disruption Of Information Technology	Possible
Gang-Related Activities	Yes
Vandalism Of School Property; Bomb Threats	Yes
Theft	Possible
Unauthorized Presence	Possible
Tobacco (Second And Subsequent Violations)	Possible
Hazing	Yes (Report To Commonwealth's Attorney)

APPENDIX C
MUTUAL ACCOUNTABILITY AGREEMENT

The Charlottesville School Board believes that learning takes place best when parents, students, and the schools are full partners in providing a successful educational experience for all students. We are committed to the success in school of and promise to work together to promote his or her achievement.

As a student in the Charlottesville City Schools, I pledge to:

1. Accept responsibility for my actions and respect myself and the rights of others.
2. Attend school regularly, on time, and dressed appropriately.
3. Follow the Code of Student Conduct.
4. Complete my assignments on time and ask my teachers questions when I don't understand.

Signed _____ Date _____

As a parent, I pledge to:

1. Ensure that my child attends school regularly and on time.
2. Monitor my child's homework and grades and communicate regularly with my child's teachers.
3. Do my best to make sure my child follows the Code of Student Conduct
4. Provide complete and accurate information to the school as requested

Signed _____ Date _____

On behalf of the student's team of teachers, I pledge to:

1. Explain my expectations, instructional goals, and grading system to the student and parent.
2. Uphold the Code of Student Conduct and provide a climate in my classroom that is conducive to learning.
3. Communicate with parents through conferences, progress reports, report cards, and by telephone.
4. Employ various teaching methods which work best for the student.

Signed _____ Date _____

As the principal of your child's school, I pledge to:

1. Provide a safe and orderly environment that is conducive to learning.
2. Ensure that the Code of Student Conduct is upheld in a fair and equitable manner.
3. Support teachers in their efforts to teach all of the students.
4. Maintain open and clear communication with students, parents, and teachers.

Signed _____ Date _____