

SPECIAL SERVICES

Student Responsibilities and Rights

Removal (Suspension, Expulsion, or Exclusion) of Students From School

This regulation supersedes Regulation 2610.22P.

I. PURPOSE

To establish a booklet describing procedures governing removal (suspension, expulsion, or exclusion) of students from school for student conduct on school property, or while engaged in or attending a school activity, or which affects students going to or returning from school, including on a school bus or at a school bus stop. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the interest of the school or adversely affects school discipline or if the conduct results in a criminal charge or conviction. This booklet is used only for due process.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. The title "Safe and Drug-Free Youth" has been changed to read "Student Safety and Wellness," and the title "Office of Student Services" has been changed to read "Office of Intervention and Prevention Services" throughout this regulation and attachment.
- B. In A.3.d.(1), the sentence was rewritten to include words "of" and "illegal," removing "anabolic steroids," and adding words "'Ecstasy', cocaine, or any prescription medication not prescribed to the student."
- C. In B.3., the phrases "and school educational officers (SEOs)" and "as any other school official" were added.
- D. In B.4., "and SEOs" was added.
- E. In C.2.b., "with school officials" was added.
- F. In C.3., "Records Review and Referrals to Alternative Programs" was changed to read "Referrals to Alternative Programs."
- G. In C.8., the section was rewritten to include new headings, "a. Conduct Not Related to School" and "b. Student's Suspension for Intentional Injury of a Fellow Student in the Community." The paragraph "Following notice and a hearing, a school principal is authorized to impose a short-term suspension upon any student who has been charged with a criminal offense reportable to school officials and involving intentional injury to another student who attends the same Fairfax County Public Schools

(FCPS) school, regardless of where such offense occurred. In addition, the school principal may, concurrent with the imposition of the short-term suspension, recommend to the Division Superintendent that the charged student be reassigned to a school or program other than that which the victim attends. The Division Superintendent shall determine, in accordance with the procedures below, whether the charged student shall be reassigned to an alternative educational program or to another school” was added. The heading, “c. Hearing Procedures for Reassignments” was added, and “placement” was changed to “reassignment.”

H. In C.8.a., the words “or with an offense required by law to be reported to school officials” were added.

III. DESCRIPTION OF BOOKLET CONTENT

The Department of Special Services shall maintain a booklet defining the removal of students from schools. The booklet shall describe the acts for which students may be disciplined and all the steps involved in the disciplinary procedures, including the appeal process.

The titles of school system personnel used in this booklet shall in all events be deemed to include the designees of such personnel and any successors in the event of reorganization.

Language in bold print coincides with actions mandated by the Code of Virginia and School Board regulations.

IV. PROCEDURES AND DISTRIBUTION

- A. The booklet shall be reviewed for compliance with new laws and regulations with revisions published as necessary.
- B. A supply of the current version of Regulation 2610P booklets shall be provided to each school. Additional copies may be duplicated as needed. A copy shall be provided to each parent or guardian who has a student being recommended for removal from school.
- C. The exact content of this booklet shall constitute chapter II of the current version of Regulation 2601P.

See also the current versions of:

Regulation 2102	First Aid, Emergency Treatment, and Administration of Medications for Students
Regulation 2150	Prevention of Alcohol and Other Drug Use by Students
Regulation 2152	Smoking and the Use of Tobacco Products by Students

Policy 2601	Responsibilities and Rights of Students
Regulation 2601	Student Responsibilities and Rights Booklet
Policy 2611	Procedures for Hearings and Appeals to School Board
Regulation 2616	Questioning of Students by Police
Regulation 4411	Student Exclusion Because of Assault or Threatened Assault Against a Teacher or Other Employee
Regulation 6410	Appropriate Use of Fairfax County Public Schools' Network and Internet Resources

Attachment

FAIRFAX COUNTY PUBLIC SCHOOLS

**STUDENT RESPONSIBILITIES
AND RIGHTS**

**REMOVAL (SUSPENSION, EXPULSION, or
EXCLUSION) OF STUDENTS FROM
SCHOOL**

Fairfax County Public Schools
8115 Gatehouse Road
Falls Church, VA 22042

AUGUST 2009

A. Acts for Which Students May Be Disciplined

Students may be disciplined by school officials, to include suspension, expulsion, and exclusion from school and all school-sponsored activities, for prohibited conduct occurring on school property, while engaged in or attending a school-sponsored activity, or which affects students going to or returning from school including on a school bus or at a school bus stop. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the interest of the school, adversely affects school discipline, and/or results in a criminal charge or conviction.

If a student has been suspended for ten days or less (short-term suspension), the days of absence shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate follow-up activities designated by the principal (including submission of homework assignments).

A student may be subject to disciplinary action for violation of any: (i) federal, state, or local law, rule, or regulation; and/or (ii) policy or regulation of the School Board, the school system, or the school.

A school principal may impose a short-term suspension and recommend a long-term suspension and/or expulsion in any situation involving prohibited conduct. Any student who commits multiple offenses (regardless of their nature) at the same time or on different occasions may, in the discretion of school officials, face more stringent disciplinary action as a result, notwithstanding the sanction identified below for any particular act of prohibited conduct. Nothing contained herein shall require the use of progressive disciplinary measures or shall establish the order in which such disciplinary measures shall be imposed.

When a student makes a threat, or when a student's behavior indicates that a threat is reasonably likely, a threat assessment may be conducted by school officials, pursuant to Regulation 2111. The purpose of a threat assessment is to assess the seriousness of the student's threat, to provide assistance to the student being assessed, to support victims or potential victims, and to take appropriate preventive or corrective measures to maintain a safe and secure school environment. A threat assessment is not a disciplinary action and is not a prerequisite to disciplinary action. Students violating the SR&R are subject to discipline regardless of whether a threat assessment has been conducted and regardless of the outcome of that assessment.

Prohibited conduct encompasses any behavior incompatible with a K-12 educational environment and good citizenship and includes but is not limited to the following: assault; disruptive or inappropriate behavior; alcohol, tobacco, and other drug violations; property violations; and weapons violations. The violations listed herein are examples of prohibited conduct. Acts for which students may be disciplined include, but are not limited to:

1. Assault

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

- a. Threatening or physically assaulting another student or any other person (other than a staff member), whether or not causing injury, **shall result in disciplinary measures up to and including a ten-day suspension and a recommendation for expulsion.**
- b. Threatening to assault or physically assaulting a school staff member, as defined in the current version of Regulation 4411, **shall result in suspension from school for up to ten days, and the principal may recommend expulsion.** In the event of injury to the staff member, **expulsion shall be recommended.**
- c. Sexual assault or battery upon any person **shall result in a ten-day suspension from school and recommendation for expulsion.** Improper touching **shall result in disciplinary measures up to and including a ten-day suspension and a recommendation for expulsion.**
- d. Any collection or group of students assembled with the intention of committing an assault constitutes a mob. Each and every student who is part of a mob shall be held directly responsible for any assault committed by one or more members of the group. Any involvement in a mob assault by any student **shall result in a ten-day suspension and a recommendation for expulsion.**
- e. Hazing or otherwise mistreating another student by recklessly or intentionally endangering the health or safety of, or inflicting bodily injury on, the student 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 **shall result in disciplinary measures up to and including a ten-day suspension from school and recommendation for expulsion. A report of hazing with bodily injury shall be made to the Commonwealth's Attorney** in accordance with Section 18.2-56 of the Code of Virginia.

2. Disruptive or Inappropriate Behavior

The following violations shall result in disciplinary action at the discretion of the principal:

- a. Disruption of the educational process or disobedience, insubordination, or open defiance of the authority of any teacher or staff member.
- b. Conduct, including fighting, making threats, stalking, or intimidating, including bullying, that endangers the well-being of other students or school staff members.
- c. Verbal or written use of vulgar, profane, obscene, or patently offensive conduct or language, sometimes referred to as "curse" words or profanity, or possessing

or displaying visual imagery that is obscene as defined in the Code of Virginia, or engaging in indecent or lewd exposure of body parts.

- d. Cursing, gesturing, or verbally abusing any person, including but not limited to abuse or harassment based on that person's race, color, religion, national origin, sex, disability, personal or physical attributes, or matters pertaining to sexuality, including sexual orientation.
- e. Willful disruption of any school-sponsored activity.
- f. Use or possession of fireworks.
- g. Use or possession of matches or lighters.
- h. Forgery, cheating, plagiarism, or dishonesty, including the use of portable communication devices for such purpose.
- i. Gambling in any form.
- j. Unauthorized or illegal use of, or access to, computers, software, telecommunications, or related technologies and any willful act that causes physical, financial, or other harm to, or otherwise disrupts, information technology.
- k. Unauthorized use or possession of a laser pointer or other laser devices. In addition to other disciplinary action, laser pointers or other laser devices are subject to confiscation by school officials.
- l. Taking part in, assisting, facilitating, or promoting gang-related activities that are disruptive to the school environment, which include, but are not limited to, 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, disruptive, or intimidating behavior. If a student is suspected of being in a gang or has violated the provisions of this section, **the principal shall notify the parent or guardian.**
- m. Use of a portable communication device without express authorization from the principal, possession of any such device in plain view, or possession of any such device that is turned on. As employed herein, the term "portable communication device" shall include, but not be limited to, any beeper, cell phone, or other similar device that is capable of sending and/or receiving audio, video, picture, electronic-mail, or text messages. In the event of a violation of this provision, the student shall be subject to disciplinary action hereunder, and the portable communication device used or possessed by such student **shall be subject to confiscation by school officials. Principals may elect to return the portable communication device to the student's parent or guardian or to return the portable communication device to the student and contact the parent or guardian.**
- n. Violation of attendance regulations.

3. Alcohol, Tobacco, and Other Drug Violations

School disciplinary action may be taken regardless of whether the student's age is such that his or her possession or use of alcohol, tobacco, or over-the-counter medication is permitted by law.

a. Tobacco Violations

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

Possessing, smoking, or using tobacco products.

- (1) For a first violation related to tobacco products, a student **shall participate in the FCPS Tobacco Intervention Seminar** in lieu of suspension.
- (2) For a second or subsequent violation related to tobacco products, a student **shall be placed in an alternative instructional arrangement or suspended from school.**

School officials may report any such violation to the police in accordance with the Code of Virginia, Section 18.2-371.2.

b. Nonprescription Drugs (Over-the-Counter Medications)

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

Using or possessing any nonprescription drug not authorized as medication under the current version of Regulation 2102. Nonprescription drugs include products such as **Advil, aspirin, Coricidin, Dramamine, Nyquil, Tylenol, or their generic equivalents, caffeine pills, cough syrup, and other over-the-counter medications intended to be ingested or inhaled. The abuse, misuse, or distribution of nonprescription drugs shall result in a suspension of a length to be determined by the principal and may result in a recommendation for expulsion.**

c. Alcohol or Inhalants

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

- (1) The first violation related to using, possessing, or being under the influence of alcohol, inhalants, or nonalcoholic beer, herein referred to as prohibited substances, **shall result in suspension from school for a minimum of five days and a maximum of ten days and suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities. All alcohol use violations shall be reported to the police.** The days of absence shall be

excused, and makeup work shall be provided by the school during the period of suspension if the student and parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate substance abuse prevention-intervention follow-up activities designated by the principal.

- (2) A second and any subsequent violation of **any prohibited conduct** listed in (1) above within 12 months of the prior offense **shall result in suspension from school for a minimum of ten days and suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year.**
- (3) A violation involving distributing or manufacturing alcohol or inhalants **shall result in suspension from school for a minimum of ten days and recommendation for expulsion.**
- (4) If the student is suspected of being under the influence of alcohol, the principal **shall notify the parent or guardian and recommend that the parent or guardian pursue appropriate intervention.** In addition, the principal may immediately administer a breath sample test to determine the alcohol content and, depending on the suspected level of illegal substance involvement, the principal will refer the student for at least one of the following activities:
 - (a) Participation in the FCPS Alcohol and Other Drug (AOD) Intervention Seminar. This activity is not intended for students who have already attended the seminar or those who have been or are being disciplined for a distribution violation.
 - (b) Work with a Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist.
 - (c) Drug testing and an evaluation for substance abuse treatment. These services are provided through Fairfax County ADYS, or the parent or guardian may choose to access services through a private provider.

Staff members from either the AOD Intervention Seminar or Fairfax County ADYS may recommend the student for drug testing and an evaluation for substance abuse treatment.

If the student and parent or guardian fail to provide, in a timely manner, documentation evidencing satisfactory participation in the designated activities listed above, the days of absence shall be unexcused.

The principal shall immediately notify the student's parent or guardian of the disciplinary action, the conditions for readmittance (where applicable), the fact that the absences will be excused if the student and parent or guardian comply with the requirements set forth above, the fact that all prohibited substance use violations are reported to the police, and the

consequences of further violations. The student and parent or guardian shall be requested to sign a statement that they have been informed of the consequences of any subsequent violations as defined in the current version of Regulation 2150.

d. Marijuana, Imitation Marijuana, Any Controlled Substance, Including Prescription Drugs, Imitation Controlled Substances (collectively, Illegal Drugs), or Drug Paraphernalia

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

- (1) The first violation for being under the influence of marijuana or of any illegal controlled substance (including "Ecstasy," cocaine, or any prescription medication not prescribed to the student) or for the illegal use of prescription drugs, or for possession of drug paraphernalia **shall result in suspension from school for a minimum of five days and a maximum of ten days and suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities. All illegal drug violations shall be reported to the police.** The days of absence from school shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and the parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate substance abuse prevention-intervention activities designated by the school principal.
- (2) A second and any subsequent violation of **any prohibited conduct** listed in (1) above within 12 months of the prior offense **shall result in suspension from school for a minimum of ten days and suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year and recommendation for expulsion.**
- (3) Possession of a controlled substance, marijuana, an imitation controlled substance, or imitation marijuana while on school property or at a school-sponsored activity **shall result in a ten-day suspension from school and recommendation for expulsion.** The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. **A report shall be made to the police** and the student may be charged with a criminal offense in accordance with applicable law.
- (4) A violation involving distributing, facilitating distribution, or manufacturing a controlled substance, including anabolic steroids or prescription drugs, an imitation controlled substance, marijuana, imitation marijuana, or drug paraphernalia, as defined in the current version of Regulation 2150, **shall result in suspension from school for a minimum of ten days and**

recommendation for expulsion. The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. A report shall be made to the police and the student may be charged with a criminal offense in accordance with applicable law.

- (5) Theft or attempted theft of a student's prescription medication shall result in disciplinary action and shall be reported to the police.
- (6) If the student is suspected of being under the influence of illegal drugs, or otherwise having violated the provisions of this section, the principal **shall notify the parent or guardian of the suspicion** and recommend that the parent or guardian pursue appropriate intervention. In addition, the principal may immediately require a drug test and evaluation for substance abuse treatment and, depending on the suspected level of illegal drug involvement, the principal will refer the student for at least one of the following activities:
 - (a) Participation in the FCPS Alcohol and Other Drug (AOD) Intervention Seminar. This activity is not intended for students who have already attended the seminar or for those who have been or are being disciplined for a distribution violation.
 - (b) Work with a Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist.
 - (c) Drug testing and an evaluation for substance abuse treatment. These services are provided through Fairfax County ADYS, or the parent or guardian may choose to access services through a private provider.

Staff members from either the AOD Intervention Seminar or Fairfax County ADYS may recommend the student for drug testing and an evaluation for substance abuse treatment.

If the student and parent or guardian fail to provide, in a timely manner, documentation evidencing satisfactory participation in the designated activities listed above, the days of absence shall be unexcused.

The principal shall immediately notify the student's parent or guardian of the suspension, the conditions for readmittance, the fact that the absences will be excused if the student and parent or guardian comply with the requirements set forth above, the fact that all illegal drug use violations are reported to the police, and the consequences of further violations. The student and parent or guardian shall be requested to sign a statement that they have been informed of the consequences of any subsequent violations as defined in the current version of Regulation 2150.

4. Property Violations

The student (or the student's parent or guardian) shall be required to reimburse the School Board for any actual loss of, breakage of, destruction of, or failure to return property owned by or under the control of the School Board, caused or committed by such student in pursuit of his or her studies. (Code of Virginia, Section 22.1-280.4) The student will be financially responsible for any loss or damage to School Board property resulting from his or her misconduct.

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

- a. Willfully causing or attempting to cause damage to, or theft of, any school property.
- b. Theft or attempted theft of another person's property or money, whether by force, fear, or other means.
- c. Vandalism, arson, or any threat or false threat to bomb, burn, damage, or destroy in any manner a school building, school property, or a school-sponsored activity.
- d. Unauthorized presence on school property or failure to leave promptly after being told to do so by a FCPS staff member or police officer.

5. Weapons Violations

The following weapons violations shall result in disciplinary action as outlined below:

a. Use of Any Weapon—Mandatory Sanction and Recommendation

Unauthorized use of any weapon (including a statutory weapon or other weapon, as defined below) or any item used as a weapon on school property or at a school-sponsored activity **shall result in a mandatory ten-day suspension with a recommendation for expulsion.**

b. Possession of Statutory Weapon—Mandatory Sanction and Recommendation

- (1) Possession of a statutory weapon (as defined below), on school property or at a school-sponsored activity, **shall result in a mandatory ten-day suspension with a recommendation for expulsion for a period of not less than one year.** As employed herein, the term "statutory weapon" shall mean the following:
 - (a) 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.
 - (b) any dirk, bowie knife, switchblade knife, ballistic knife, other knife (except a pocket knife having a folding metal blade of less than three

inches*), machete, razor, slingshot, spring stick, metal knucks, or blackjack.

- (c) 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 nun chahka, nun chuck, nunchaku, shuriken, or fighting chain.
- (d) any disc, of whatever configuration, having at least two points or pointed blades, which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart.
- (e) any stun weapon or taser, as such terms are defined in Section 18.2-308.1 of the Code of Virginia.
- (f) 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.
- (g) a pneumatic gun, as defined in Section 15.2-915.4 of the Code of Virginia, including BB gun, paintball gun, or pellet gun.
- (h) any destructive device, as defined in Section 22.1-277.07 of the Code of Virginia, including any explosive, incendiary, or poison gas, bomb, grenade, and other devices and weapons enumerated therein.
- (i) a firearm muffler or firearm silencer.
- (j) any weapon of like kind or function as those enumerated in clauses (a) through (i) above.

(2) Special Circumstances

Notwithstanding the foregoing provisions, the School Board may determine, based on the facts of a particular situation, that special circumstances exist and that no disciplinary action or another disciplinary action or term of expulsion is appropriate. The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. A report shall be made to the police and the student may be charged with a criminal offense in accordance with applicable law.

* Note: SR&R prohibits the possession of all pocket knives, even those with blades of less than three inches. See Possession of Other Weapons—Discretionary Sanction and Recommendation A.5.c. on page 11.

c. Possession of Other Weapons—Discretionary Sanction and Recommendation

Possession of any other weapon (as such term is defined below), on school property or at a school-sponsored activity, may result in a suspension for a period of up to ten days and, at the discretion of the principal, may also result in a recommendation for expulsion. As employed herein, the term “other weapon” shall mean any object of any nature (other than a statutory weapon) that can be used to threaten and/or harm another person. Examples of other weapons include but shall not be limited to: mace; pepper spray; any ammunition or knife (not otherwise included in subsection b. above); any studded accessory, studded collar, chain collar, or similar article of clothing; and any object that is designed to look like (but not to function as) a statutory weapon, such as an imitation handgun.

B. Reporting to Police and Parents or Guardians of Victims of Certain Code Violations

1. The principal **shall, in addition to taking appropriate disciplinary action, report to the police department incidents that may constitute violations of law specified in** Section 22.1-279.3:1 of the Code of Virginia, including all prohibited substance and illegal drug violations, unauthorized use or possession of any weapon or explosive device (including a hoax explosive device), arson, assault, assault and battery with bodily injury, sexual assault, stalking, bomb threats, threats against school personnel on school property or at school-sponsored activities, and theft or attempted theft of student prescription medications. Assault or assault and battery without bodily injury may be reported to the police at the discretion of the principal.

Any student who commits a reportable violation shall be required to participate in such prevention and intervention activities as may be prescribed by the Division Superintendent, in addition to any disciplinary action that may be taken.

2. Material that is suspected of being marijuana or a controlled substance **shall be turned over to the police department.**
3. School resource officers (SROs) and school educational officers (SEOs) are active members of the school administration and, as any other school official, are permitted to stop, question, interview, and take action without contacting parents or guardians in advance.
4. The questioning of students by police officers, other than SROs and SEOs, in school or on school property about alleged illegal activities shall meet the conditions as defined in the current version of Regulation 2616.
5. The **principal shall also immediately report to the parents or guardians of any minor student who is the victim or intended victim of any act listed in B.1. that may constitute a criminal offense.**

C. Disciplinary Procedures

The principal shall determine the appropriate disciplinary measures to be taken in each case of prohibited conduct, except when School Board action is required, and may request the assistance of other appropriate staff members. In disciplinary cases, all students have the right to due process and to fair procedures in determining facts and imposing sanctions. Parents or guardians seeking information on the hearing process should contact the Hearings Office (571-423-1280). The principal may impose a short-term suspension and recommend a long-term suspension and/or expulsion in any situation involving prohibited conduct when the principal believes such action is warranted, unless more stringent disciplinary action is mandated. The principal shall monitor each case to ensure that an appropriate intervention and a follow-up response have been made.

1. Interventions Without Suspension From School

The following are examples of authorized disciplinary measures:

- a. Admonition and counseling of the student in private concerning his or her responsibilities.
- b. After-school detention. Except in extreme cases, a student must be given advance notice of this action. All schools shall notify parents or guardians of students of after-school detention.
- c. Suspension from all student privileges (including parking, senior privileges and all other student privileges, and student activities, including teams, clubs, and all other school-sponsored activities) for a fixed period of time.
- d. Probation. Being placed on probation is notification that a student's behavior has been unacceptable and must be improved. A student may be placed on probation by the principal following a conference with the student's parent or guardian in which the terms and conditions of the probation are explained. The principal shall also notify the parent or guardian in writing when probation is imposed, including the reasons for the probation and its date of termination.
- e. Removal from class. Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:
 - (1) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
 - (2) The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing herein shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
 - (3) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.

- (4) Written notice of the student's behavior and removal from class is given to the parent or guardian by the teacher.
- f. Alternative instructional arrangement. The student may be removed from his or her regular schedule of classes and assigned to a program of study under restrictive supervision for a fixed period of time. The student shall have the opportunity to receive full credit for work performed, and the principal shall notify the parent or guardian in writing of the terms and duration of the arrangements.

Students who believe that decisions made by staff members are not in their best interests may present complaints to teachers, counselors, or school administrators. For further information regarding the right to complain, see 14.

2. Suspension for Ten School Days or Less (Short-Term Suspension)

- a. The principal may suspend a student for ten days or less after giving the student oral or written notice of the charges against him or her, an explanation of the facts as known to school personnel if the student denies the charges, and an opportunity to present his or her version of what occurred.
- b. After complying with the above procedures, the principal may suspend a student and may set conditions for the ending of a suspension so long as the period of such suspension does not exceed ten days. However, a parent or guardian conference with school officials may be required prior to the student's readmission to school. A parent or guardian conference shall be required prior to readmission subsequent to a third suspension within a 12-month period. The student shall also be suspended from all student activities including teams, clubs, and all other school-sponsored activities for the duration of the suspension, at a minimum.
- c. When a student is suspended, the school shall:
 - (1) Notify the student of the suspension and the right to appeal.
 - (2) Make a reasonable effort to notify the student's parent or guardian of the suspension, inform the parent or guardian that a copy of the rules governing suspensions and the procedures for appeal is being sent home with the student, and make arrangements for the student's return home.
 - (3) Send written notification, by the end of the school day when possible, to the parent or guardian or arrange for notification to be hand-delivered to him or her by the end of the next school day, informing him or her of the suspension, the reasons for the action, the length of the suspension, the right to appeal, the student's right to return to school at the end of the suspension, and any conditions for that return (such as a reentry conference or other requirement). The information provided shall include a copy of the rules governing suspensions and notice of the right to appeal (current version of Regulation 2610) and information regarding the availability of community-based education programs or other educational options.

- d. The decision to suspend a student for ten days or less may be appealed to the principal by the student's parent or guardian or by the student if he or she is 18 or older.
- (1) When notified of an appeal by the parent or guardian, the principal shall reinstate the student in school until the appeal has been decided except under one of the following conditions:
 - (a) The principal determines that the reinstatement of the student would pose a danger to persons or property or an ongoing threat of disruption of the school's educational program.
 - (b) The ten-day suspension is pursuant to a recommendation for a long-term suspension and/or expulsion, in which case, the student's suspension shall be extended until the decision to expel has been determined.
 - (2) If the principal upholds the decision to suspend and the parent or guardian wants to continue the appeal process, the parent or guardian shall within two days notify the principal and the Hearings Office in writing of the appeal, stating specifically why the suspension should be reversed or modified.
 - (3) After receiving a written request for an appeal from the parent or guardian, a hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the record of the student's behavior. Should a hearing take place, a hearing will be promptly scheduled with the parent or guardian at a mutually agreeable time for a hearing on the appeal or, failing that, shall notify the parent or guardian in writing at least two days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures of the hearing. **The student may be represented at the hearing only by parents or guardians and one additional adult** who may be legal counsel, a member of the clergy, a social worker, etc. The hearing shall be conducted by a hearing officer. The hearing shall be closed to the public and may include the presentation of evidence, testimony, and questioning of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means.
 - (4) Following an appeal, a hearing officer shall promptly notify the parent or guardian and the principal in writing of the decision and the basis for the decision. If the suspension is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion. If a hearing officer upholds the suspension, the suspension shall be imposed, and such decision shall be final.
 - (5) In cases of appeal when the student has not been reinstated in school during the period when the appeal is being reviewed by a hearing officer, the student shall be reinstated in school after ten days of suspension if the appeal has not been decided by a hearing officer.

e. 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 and the notice, explanation of facts, and opportunity to present his or her version required under "Suspension for Ten Days or Less (Short-Term Suspension)" shall be given as soon as practicable thereafter.

3. Referrals to Alternative Programs

A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative education program. The principal will submit an Alternative Education Referral Form (SS/SE-227) with all required attachments to the director of Intervention and Prevention Services and a meeting will be scheduled to facilitate placement into the appropriate program. Referrals can be made at any time throughout the year. If a student is eligible for special education services, the pyramid resource specialist (PRS) can request participation of alternative school representatives during an individualized education program (IEP) meeting to determine the appropriate placement. Further details about the various program options can be found in the Alternative School Programs, Program Descriptions, and Referral Procedures Handbook located at <http://www.fcps.edu/ss/AltSchools/ASP-handbook.pdf>.

4. Suspension for More Than Ten School Days (Long-Term Suspension)

The principal may recommend to the Division Superintendent that a student be suspended for more than ten days. The Division Superintendent may authorize such suspension after the student and the parent or guardian have been provided written notice of the proposed action and the reasons therefor and of the right to a hearing before the Division Superintendent, if requested in writing within two days of receipt of the notification. When a student, who has been suspended for ten days, is also recommended for a long-term suspension and/or expulsion, the student may not attend school or be on any school property while the student's appeal is pending, except as specifically permitted by the Division Superintendent or the School Board.

- a. When the Division Superintendent receives a request for a hearing, he or she shall promptly schedule with the parent or guardian a mutually agreeable time for the hearing or, failing that, shall notify the parent or guardian in writing at least two days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures. **The student may be represented at the hearing only by parents or guardians and one additional adult** who may be legal counsel, a member of the clergy, a social worker, etc. The hearing shall be conducted by the Division Superintendent, shall be closed to the public, and may include the presentation of evidence, testimony, and questioning of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means.
- b. When a student is the subject of a recommendation for both long-term suspension and expulsion, the Division Superintendent will consider all possible sanctions in the same hearing.

- c. Following the hearing, the Division Superintendent shall promptly notify the parent or guardian and the principal of the decision and the basis for the decision, noting the parent's or guardian's right to appeal in writing to the full School Board. Appeals to the full School Board shall be conducted in accordance with the procedures established in the current version of Policy 2611.
- d. If the decision to extend the suspension is in conjunction with a recommendation for expulsion, an appeal on the extension will be considered by the School Board as part of the expulsion hearing.

5. Expulsion

Expulsion is any disciplinary action imposed by the School Board or a designated committee thereof, as provided in FCPS school policy, whereby a student is not permitted to attend school within FCPS or the regular instructional program of FCPS and is ineligible for readmission to such for 365 calendar days after the date of the expulsion. Expulsion may be imposed or rescinded only at the discretion of the School Board or a designated committee thereof. The principal shall promptly send written notice of the facts warranting a recommendation for expulsion to the Division Superintendent, the parent or guardian, and the student. The principal shall offer to meet with the student and parent or guardian, prior to a hearing, to explain the expulsion process and to discuss the facts leading to the recommendation. The hearing procedure is as follows:

- a. The Division Superintendent shall promptly schedule a hearing on the expulsion recommendation at a mutually agreeable time or, failing that, shall notify the parent or guardian in writing at least two days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures.
- b. When a student is the subject of a recommendation for both long-term suspension and expulsion, the Division Superintendent will consider all possible sanctions in the same hearing.
- c. The expulsion recommendation is not binding on the Division Superintendent, who may implement alternative disciplinary sanctions.
- d. If the Division Superintendent upholds the principal's recommendation, he or she shall notify the clerk of the School Board and shall inform the student and the parent or guardian of such and shall send them a copy of the current version of Policy 2611.
- e. The School Board or a designated committee shall make a determination on the recommendation in accordance with the current version of Policy 2611.

6. Students With Disabilities Receiving Special Education Services or Accommodations Under Section 504 of the Rehabilitation Act

a. Short-Term Suspension (Ten School Days or Less)

A student with a disability, who receives special education services in accordance with an IEP or who receives accommodations under Section 504 of the Rehabilitation Act, may be disciplined in the same manner as a nondisabled student where the suspension individually or in the aggregate does not exceed ten school days in a school year. For such suspensions, no inquiry need be made as to whether the student's misconduct is a manifestation of his or her disability.

b. Long-Term Suspension (More Than Ten School Days) or Expulsion

(1) Special Education Services

When a principal initiates a suspension of more than ten days, initiates a suspension that would accumulate to more than ten days in a school year, or recommends the expulsion of a student with a disability who receives special education services, he or she shall ensure that the IEP team convene as soon as possible but not later than ten days after the date on which the decision to suspend or recommend expulsion was made. Appropriate members of the IEP team shall determine, pursuant to special education procedures, whether or not the misconduct is a manifestation of the student's disability. If it is determined that the misconduct is a manifestation of the student's disability, the student may not be expelled or suspended for more than ten days. However, in the event of a weapon or drug violation, or in the event the student inflicts serious bodily injury on another, the student may be removed from his or her educational placement to an interim alternative education setting by the hearing officer for the Division Superintendent, in accordance with the recommendation of the IEP team. In other cases, the student may be removed from his or her educational placement only through applicable special education procedures. A student may, however, be administratively reassigned to a comparable program in another school. If it is determined that the misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as are nondisabled students; however, services to allow the student to progress in the general curriculum and to advance toward achieving IEP goals must be provided.

(2) Section 504 Accommodations

When a principal initiates a suspension of more than ten days, initiates a suspension that would accumulate to more than ten days in a school year, or recommends the expulsion of a student with a disability who receives accommodations under Section 504 of the Rehabilitation Act, he or she shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend expulsion; except in those situations pertaining to the use or possession of illegal drugs or alcohol where the student currently is engaging in the use of illegal drugs or alcohol, then a committee is not required. The knowledgeable committee shall determine whether or not the misconduct has a causal relationship to the student's disability. If it is determined that the misconduct was caused directly by the disability, the

student may not be expelled or suspended for more than ten days. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as nondisabled peers. The student shall not be entitled to receive continuing educational services during any period of suspension or expulsion. The knowledgeable committee's determination shall be forwarded to the hearing officer, who reviews this information in consideration of further disciplinary action.

7. Students Suspended or Expelled From Attendance at School From Another District or a Private School

A student who has been expelled or suspended for more than 30 days from attendance at school by another school board or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance for no more than one calendar year in the case of expulsion or withdrawal of admission, and in the case of suspension of more than 30 days, for no longer than the duration of such suspension. The school shall provide written notice to the student and his or her parent or guardian of the reasons for such possible exclusion and of the right to attend a hearing conducted by the Division Superintendent. The student may not attend school until a review of the case is conducted by the Division Superintendent. Exclusion from some or all Fairfax County Public Schools programs shall be imposed upon a finding that the student presents a danger to the other students or staff members of the school division. The decision to exclude shall be final unless altered by the School Board after timely written petition in accordance with the procedures established in the current version of Policy 2611. Upon the expiration of the exclusion, the student may petition the Division Superintendent for admission.

8. Reassignment to an Alternative Program

a. Conduct Not Related to School

The Division Superintendent may require any student who (i) has been charged with an offense relating to Virginia's laws on weapons, alcohol, drugs, or intentional injury to another person or with an offense required by law to be reported to school officials or (ii) has been found guilty or not innocent of any of the above offenses or of a crime that resulted in or could have resulted in injury to others or of a crime required by law to be reported to school officials or (iii) has been found to have committed a serious offense or repeated offenses in violation of School Board policies, to attend an alternative program, including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. The Division Superintendent may impose this requirement without regard to where the crime has occurred.

b. Student's Suspension for Intentional Injury of a Fellow Student in the Community

Following notice and a hearing, a school principal is authorized to impose a short-term suspension upon any student who has been charged with a criminal offense reportable to school officials and involving intentional injury to another

student who attends the same Fairfax County Public Schools (FCPS) school, regardless of where such offense occurred. In addition, the school principal may, concurrent with the imposition of the short term suspension, recommend to the Division Superintendent that the charged student be reassigned to a school or program other than that which the victim attends. The Division Superintendent shall determine, in accordance with the procedures below, whether the charged student shall be reassigned to an alternative educational program or to another school.

c. **Hearing Procedures for Reassignments**

The student and parent or guardian shall be provided an opportunity to participate in a hearing to be conducted by the Division Superintendent regarding such reassignment. Written notice to the student and the parent or guardian shall be provided if the student will be required to attend an alternative program. The decision of the Division Superintendent shall be final unless altered by the School Board upon timely written petition by the student or the parent or guardian for a review of the record by the School Board.

9. Reports From Court

Any student for whom the school division has received a report pursuant to Section 16.1-305.1 of the Code of Virginia of adjudication of delinquency or conviction of a specified crime may be suspended or expelled from school attendance in accordance with Section 22.1-277 of the Code of Virginia.

Notification is sent to the Division Superintendent by the staff of the court when a student is charged with committing specified crimes including those involving criminal street gang activity or found in violation of certain laws, when a student is found not guilty of specific charges, or when charges against a student are dismissed, withdrawn, or reduced as required by Sections 16.1-260, 16.1-301, and 16.1-305.1 of the Code of Virginia.

10. Unauthorized Persons

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. Any person whose presence or action interferes with or disrupts the operation of the school, its students, or school activities shall be prohibited from entering school or remaining on school property or remaining at a school-sponsored activity, wherever located.

11. Petition for Readmission

In accordance with the current version of Policy 2611, students who are expelled and who are not permitted to return to regular school attendance or to attend, during the expulsion, an alternative program, may petition for readmission to be effective one year after the date of expulsion. In order to be timely, a written petition for readmission, along with a copy of the School Board's expulsion decision, must be

filed with the Hearings Office no earlier than eight months, but not later than ten months, after the date of expulsion. The Hearings Office may, at the discretion of the hearing officer, hold a hearing and shall issue a decision prior to the expiration of the one-year expulsion period. An untimely petition may result in a delayed decision on readmission. When a petition for readmission is denied by the hearing officer for the Division Superintendent, the student may petition the School Board for review of such denial. The School Board's review is based on the written record. An application may be made annually in accordance with the above schedule. Notice of the right to petition for readmission, as well as any conditions, will accompany the expulsion decision.

12. Other Disciplinary Consequences

A student who engages in prohibited conduct may be subject to ongoing consequences, even after the student returns to school following suspension or expulsion. Such consequences include, but are not limited to, probationary conditions, community or civic service, periodic drug testing, and restitution. School officials, at their discretion, may impose various conditions and restrictions for so long as the student attends any school or program operated by or on behalf of the School Board. As a probationary student, the student is required to maintain satisfactory academic, disciplinary, and attendance records. In addition, a probationary student is required to abide by all applicable laws in the community and to comply with the terms of any court order, including a probation order. A student may be required to perform community service and to provide independent verification of performance of those services to school officials. A student whose prohibited conduct results in damage to or loss of School Board property shall be required to reimburse the School Board.

Virginia High School League Eligibility

The eligibility of any student who is reassigned to a different school following disciplinary proceedings for prohibited conduct and who seeks to participate in any activity, including interscholastic athletics, governed by the Virginia High School League (VHSL) is subject to:

- a. Compliance with VHSL rules.
- b. Minimum 30-day waiting period beginning with the date on which the student began classes at the school of attendance.
- c. No participation in practices during the waiting period and no same season waivers.
- d. Approval of the principal of the school of attendance, including verification that the student is in good standing.

The student's eligibility is neither assured nor guaranteed but, rather, is dependent on positive conduct and citizenship. It is the responsibility of the student to initiate the process of securing VHSL eligibility in order to participate in VHSL activities.

For further information regarding VHSL eligibility and activities, see the VHSL web site, www.vhsl.org.