

## **SPECIAL SERVICES**

### **Student Rights and Responsibilities**

#### **Student Rights and Responsibilities Booklet**

This regulation supersedes Regulation 2601.35P

#### **I. INTRODUCTION**

The Fairfax County [School Board](#) is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with the [parent](#) is essential to reaching this vision.

Disciplinary practices in FCPS focus on prevention of behavioral incidences. A leveled system of response is used to address occurrences, through age appropriate instruction and restorative practices. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to [discrimination](#) under any education program or activity. Students should expect an environment offering them space to learn that is safe both physically and emotionally. FCPS supports student identities and voices, promoting the use of positive expression and denounces the use of slurs and [hate speech](#).

This regulation explains expectations for student behavior, [parent](#) engagement, and adult responses to enhance school safety and to create an equitable, supportive school environment.

#### **II. PURPOSE**

To establish, for use by students and the [parent](#), a booklet describing the rights and responsibilities of students as prescribed in the Code of Virginia and Fairfax County School Board policy and regulations.

#### **III. NOTABLE CHANGES FOR STUDENTS AND PARENTS**

**Make notes close to final**

- ~~• Restructuring of Rights and Responsibilities Chapter~~
- ~~• Added link references to noted regulation, codes, and other legal references~~
- ~~• Changed information to align marijuana with alcohol regarding possession and usage sanctions~~
- ~~• Added subcodes to assist with understanding of larger code definitions~~
- ~~• Added terms to glossary to assist understanding~~
- ~~• Added language to further define interaction of law enforcement and students~~

**IV. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

- A. Section V., clarifies procedures and distribution of SR&R and added the Family Guide.
- B. Section VI., clarifies the professional development received by school-based administrators, school-based staff, students, transportation and coaching staff, and families.
- C. Section VII., changed “two” to “four business.”
- D. Chapter I., added chart of student rights and responsibilities.
- E. Chapter I.A., added “and FCPS policies.”
- F. Chapter I.A., added “The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.
- G. Chapter I.A., added “if the concern, complaint, or injury has not been addressed by the school-based administrator.”
- H. Chapter I.D., relocated “Right to Safe Digital Environment” from Responsibilities section.
- I. Chapter I.E., changed “four” to “within two school.”
- J. Chapter I.F., changed “school days to business days.”
- K. Chapter I.H., added “via written (preferred method) or verbal notice.”
- L. Chapter I.H., deleted the Student Responsibilities list.
- M. Chapter I.L., removed Responsibility for Digital Citizenship.
- N. Chapter I.M., added “and Security: and language regarding the expectation of students.”
- O. Chapter I.N., added section on cell phones.
- P. Chapter I.O.3., removed reference regarding the administration of drug tests.
- Q. Chapter II., Leveled Responses to Student Behaviors added “if frequency and intensity are present.”
- R. Chapter II.SBAR Codes., Changed Level footnotes throughout.
- S. Chapter II. SBAR Codes., changed K-6 to K-3 throughout the charts.
- T. Chapter II.Category A, SBAR Code BAP4., added footnote regarding tardiness and attendance infractions.
- U. Chapter II.Category A, SBAR Code BAP4 and BAP5., added footnote #5.

- V. Chapter II. Category C.RB1a, deleted from chart.
- W. Chapter II. Category D, SBAR Code BSC2., Level 4, replaced @ with X.
- X. Chapter II. Category D, SBAR Code, footnote 7., deleted “or distribution” and added “selling or distribution of alcohol or drugs (with the exception of tobacco products) shall be a mandatory referral to the Division Superintendent.
- Y. Chapter II. Category D, SBAR Codes BSC5a through BSC5e., deleted the \*.
- Z. Chapter II. Category D. SBAR Code BSC8a-d., added language regarding gender identification and immigration status.
- AA. Chapter II. Category D, SBAR Code BSC19., deleted the footnote #5.
- BB. Chapter II. Category D. SBAR Code BSC21. Level 1., deleted asterisk.
- CC. Chapter II. Category D., deleted SBAR Code BSC23. No longer defined by VDOE. Moved to persistently dangerous code.
- DD. Chapter II. Category E. SBAR Code BESO1a., added Group Assault.
- EE. Chapter II. Category E. SBAR Code BESO2a. Level 4., changed K-6 to 4-6.
- FF. Chapter II, Category E. SBAR Code BESO3. Level 1., replaced asterisk with X.
- GG. Chapter II. Category E, SBAR Code., BESO5., was changed and subsequent BESO5 subcategory designations were updated.
- HH. Chapter II. Category E. SBAR Code BESO5b. Level 1., deleted the asterisk.
- II. Chapter II. Category E. SBAR Code BESO6. Level 3., asterisk was replaced with X.
- JJ. Chapter II. Category E. SBAR code BESO7., was changed and subsequent BESO7 subcategory designations were updated.
- KK. Chapter II. Category E. SBAR Code BESO7d. Level 3., replaced asterisk with X.
- LL. Chapter II. Category E. SBAR Code BESO9. Level 2., replaced asterisk with X.
- MM. Chapter II. Category E. SBAR Code BESO10 and BESO11. Level 2., replaced asterisk with X.
- NN. Chapter II. Category F, SBAR Code PD10 to PD16e., deleted the shading in Level 5 and added TIX.
- OO. Chapter II. Category F. SBAR Codes PD11 through PD16. Level 5., added Xs.
- PP. Chapter II. Levelled Response 4., added language clarifying students with special education services disciplinary procedures.

- QQ. Chapter II, A.1.b., changed K-6 to K-3 and 7-12 to 4-12
- RR. Chapter II.A.2.a.(9)., replaced language with “Violation regarding the Acceptable Use Policy.”
- SS. Chapter II., deleted footnote #13.
- TT. Chapter II.A.2.b.(6)., adds “or any violation of cybersecurity policies set forth by the Office of Cybersecurity (OCS).
- UU. Chapter II.A.3.b., added “including THC oil and possession and Use,” and changed “may” to “shall.”
- VV. Chapter II.A.3.b.(1)., deleted “up to and including a two-day in-school suspension,” and deleted “whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.”
- WW. Chapter II.A.3.b.(1).(a).(b)., added language to clarify the disciplinary actions of violations related to alcohol, marijuana, and inhalants.
- XX. Chapter II.A.3.b.(2)., changed to clarify consequences for certain violations.
- YY. Chapter II.A.3.b.(3)., changed “The principal shall immediately administer a breath sample test to determine any alcohol content, added “The principal shall”
- ZZ. Chapter II.A.3.b.(4)., added consequences for certain violations concerning alcohol, marijuana, inhalants, and nonalcoholic beer.
- AAA. Chapter II.A.3.e.(1).(a).(i)., added language regarding the consequences for second or subsequent infractions.
- BBB. Chapter II.A.3.e.(b).ii., changed three to one.
- CCC. Chapter II.B., added language regarding HB4.
- DDD. Chapter II.C.4.a.b. and c., clarifies that principal may suspend for five days instead of ten days.
- EEE. Chapter II.C.4.e., changed “ten” to “five.”
- FFF. Chapter II.C.4.e.(2)., added school.
- GGG. Chapter II.C.4.e.(3)., added “business.”
- HHH. Chapter II.C.7.a., added “business.”
- III. Chapter II., footnote 20 changed “short-term” to long-term.”
- JJJ. Chapter II.C.8.a., added business.
- KKK. Chapter II.C.15., deleted “periodic drug testing.”

LLL. Chapter II.D., changed “wants to work” to is committed to working.”

MMM. Chapter II.D.5., clarified change of placement for special education students.”

NNN. Glossary., added the definition of assault and cyberbullying to the glossary.

## V. PROCEDURES AND DISTRIBUTION

The Department of Special Services shall develop, for the [Division Superintendent’s](#) review, a booklet for teachers, students, and the [parent](#) stating the legal rights and responsibilities of students in Fairfax County Public Schools (FCPS). The booklet shall also define the rules of conduct and disciplinary procedures applicable to students.

This booklet shall be reviewed annually by the Department of Special Services, and revisions shall be published as necessary. ~~A printed supply of the current version of the Student Rights and Responsibilities (SR&R) booklet will be published and made available to the public online by September 30 of each year and additional copies may be duplicated as needed.~~ [Parents](#) are notified **of the Student Rights and Responsibilities: A Family Guide** annually by letter/video presentation. Schools monitor receipt of online access through responses from parents electronically or hard copy signature noting review of the Family Guide **which includes full text of regulation.** A parent who has a student enrolled in Fairfax County Public Schools (FCPS) may request a printed copy at any time from their child’s school’s main office. Each new student **and family** who enters FCPS after the **start of the school year shall be notified regarding access to the document online at the time of registration** ~~general distribution shall be given access to the document at the time of registration.~~ [Regulation 2602.P, Rules of Conduct and Disciplinary Procedures](#), will be used only for due process. ~~As required by Section 22.1–279.3 of the Code of Virginia, the rules of conduct shall be printed and made available online within one calendar month of the opening of school.~~

## VI. STAKEHOLDER ORIENTATION

A. All [principals](#) receive annual professional development regarding changes to the Student Rights & Responsibilities (SR&R) regulation to include scenarios and discussions regarding behavioral incidences and responses to be considered proactively and reactively.

1. **School-based administrators (Minimum of semi-annual training for principals, assistant, principals/DSS) by DSS to review changes to the SR&R, work through discipline scenarios to foster division-wide, consistent implementation, and review areas of need based on discipline data review and analysis.**
2. **School-based staff (Minimum of semi-annual training for school-based staff by principals/designees) to review changes to the SR&R and to support response to a root cause(s) associated with school discipline. All principals<sup>1</sup> must review the Student Rights and Responsibilities booklet with their**

<sup>1</sup> The titles of school system personnel used in this regulation shall in all events be deemed to include the designees of such personnel and any successors in the event of reorganization.

faculties prior to the opening of school and to pay special attention to any changes.

3. Students (Minimum of semi-annual lessons (beginning of the year and mid-year) for students by school-based staff) to review the SR&R and to provide additional related student lessons based on the review and analysis of discipline data. Principals shall develop procedures to ensure that each student has an opportunity to become familiar with the regulation. This includes appropriate adaptations for students with special learning challenges or disabilities. The completion of the SR&R lessons is to be reported to the Office of Equity and Student Conduct.
4. Transportation staff and coaches (Minimum of semi-annual training for transportation and coaching staff by DSS to review changes to the SR&R and to support response to a root cause(s) associated with school discipline.
5. Families (Provide an asynchronous SR&R workshop for families to review the SR&R in support of the written policy and associated Family Guide to ensure families have access to information outlined in the SR&R in multiple modalities (visual and auditory). Additional opportunities to receive two-way education from DSS will be provided at minimum twice yearly.

~~All principals<sup>1</sup> must review the Student Rights & Responsibilities booklet with their faculties prior to the opening of school and to pay special attention to any changes.~~

~~Principals shall develop procedures to ensure that each student has an opportunity to become familiar with the regulation. This includes appropriate adaptations for students with special learning challenges or disabilities. Principals share the contents of the SR&R with students at the beginning of the school year and mid-year, through provided lessons and activities. The completion of the SR&R lessons is reported to central office.~~

~~Families will be notified of the Students Rights and Responsibilities through letter/video and will receive orientation to the materials through the Family Resource Guides and other centrally developed materials.~~

## VII. SUMMER SCHOOL ATTENDANCE

The SR&R booklet does not apply in its entirety to summer school attendance. The following notice shall be provided to all summer school students as part of their orientations:

Summer school attendance is a privilege. Each summer school student is expected to comply with the rules of student conduct outlined in the current version of [Regulation 2601.P](#).

A school principal may impose a [short-term suspension](#) and/or make a [referral to the Division Superintendent](#) in any situation involving prohibited conduct.

With respect to any violation for which the disciplinary sanction includes a [referral to the Division Superintendent](#), the provisions and procedures set forth in the current version of [Regulation 2601](#) shall govern and be controlling. A student who is expelled, reassigned, or

suspended for a violation that occurred during a summer school session may also be expelled, reassigned, or suspended during the regular school term.

All other violations of the SR&R occurring during summer school shall be dealt with at the discretion of the summer school administration, following a conference with the student at school. The decision to suspend a student from summer school is reviewable by the principal, provided the [parent](#) appeals within two days after the suspension decision. The principal shall review such matters on an expedited basis and shall issue a decision within one [school day](#) following receipt of such request, if practicable. In conducting such review, the principal has the discretion to elect to schedule a hearing or may issue a decision based on an examination of the written record. If not satisfied with the principal's decision, the parent may submit a written appeal to the Division Superintendent within ~~two~~ **four business school** days after the date of the principal's decision. The hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the written record. The decision by the hearing officer shall in all events be final. In the event that a summer school session ends before disciplinary action shall have been taken or otherwise carried out, such action may be taken or imposed by school officials, as the case may be, during the next regular school session.

Legal Reference: [Code of Virginia, Section 22.1-279.3](#)

CHAPTER I

RIGHTS AND RESPONSIBILITIES OF STUDENTS

**FCPS students have the following rights and responsibilities which are further delineated in the sections below:**

<b><u>Rights to:</u></b>	<b><u>Responsibility for:</u></b>
• <b><u>Equal Opportunity</u></b>	• <b><u>Attendance</u></b>
• <b><u>Notice in Age-appropriate Manner</u></b>	• <b><u>Pledge of Allegiance and One Minute of Silence</u></b>
• <b><u>Expression and Limitations</u></b>	• <b><u>Dress Code</u></b>
• <b><u>Safe Digital Environment</u></b>	• <b><u>Digital Citizenship and Cybersecurity</u></b>
• <b><u>Distribute Literature</u></b>	• <b><u>Search and Seizure</u></b>
• <b><u>Adult Students and Their Parent</u></b>	• <b><u>Personally Owned Devices</u></b>
• <b><u>School Records</u></b>	• <b><u>Cell Phones</u></b>
• <b><u>Complain</u></b>	

A. Right to Equal Opportunity

No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to [discrimination](#) under any education program or activity.

Furthermore, in accordance with [federal](#) and [Virginia](#) law and [Title IX](#), **and FCPS policies**, all students have the following rights:

1. **The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.**
2. The right to access restroom and locker room facilities and other non-stigmatizing accommodations that are consistent with the student’s gender identity;
3. The right to non-disclosure of gender identity and/or sexual orientation;
4. The right to be called by chosen names and pronouns
5. The right to internally generated and shared school lists of students (e.g., honor roll, graduation programs, yearbooks, school newspapers) that identify students by their chosen names and genders.
6. The right to receive support to ensure the safe and equitable access to all school and school division facilities and activities.

Students or a [parent](#) may present concerns, complaints, or inquiries about FCPS’ compliance with its obligation to provide equal opportunity to the responsible office, listed below **if the concern, complaint, or injury has not been addressed by the school-based administrator**. Correspondence may be addressed to these offices in care of Fairfax County Public Schools.



1. Issues concerning physical accessibility to facilities may be presented to the director, Office of Design and Construction Services (571-423-2280), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.
2. Issues concerning [discrimination](#), including complaints about sexual harassment or gender-based discrimination ([Title IX](#) complaints), may be presented to the Title IX coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu), (571-423-3070), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.
3. Issues concerning programs and activities for students with disabilities may be presented to the coordinator, Due Process and Eligibility (571-423-4470), located at 8270 Willow Oaks Corporate Drive, Fairfax, Virginia 22031.
4. Issues concerning supports for gender-expansive and transgender students may be presented to the regional assistant superintendent by the student or [parent](#). Contact information may be found on the FCPS website.

**B. Right to Notice in Age-Appropriate Manner**

All students may expect communication from staff that meets their needs both with regard to age and developmental levels. The regulatory language in this document is shared with students through lessons developed both with age and needs taken into consideration. The staff who address student discipline will also provide opportunities for conversation and interaction with the student with a focus on caring culture goal and through an instructional, equitable lens.

**C. Right of Expression and Limitations**

Students may exercise the right to freedom of expression through speech, assembly, petition, and other lawful means and have the right to advocate change of any law, policy, or regulation. The exercise of this right may not interfere with the rights of others, nor may oral or written student opinions or visual expression be used to present material that falls into any of the following categories:

1. Material that reasonably leads the principal to forecast [substantial disruption](#) of, or material interference with, school activities or that endangers the health or safety of students. A full definition of such material and the procedures to be used by the principal in making a forecast of disruption are contained in the current version of [Regulation 2612, Regulations and Procedures Governing Freedom of Expression by Students](#).
2. Material that is [libelous](#) or [slanderous](#)-statements that are inaccurate or false statements that injure the person by damaging their reputation; cause personal humiliation, mental anguish, and suffering; or cause other injuries. A more detailed definition of libelous and [slanderous](#) material and additional guidelines governing such material are contained in the current version of [Regulation 2612](#).
3. Material that advocates the commission of a criminal act or is a criminal act as defined by the criminal code of the United States, the Commonwealth of Virginia, or Fairfax County.

4. Material that is [obscene](#) as defined in [Section 18.2-372 of the Code of Virginia \(1950\)](#), as amended, or material that is “harmful to juveniles” as defined in [Section 18.2-390](#) or that violates [Section 18.2-391 of the Code of Virginia \(1950\)](#), as amended. Current copies of these sections of the Code of Virginia are provided upon request from the Equity and Student Conduct Office.

D. **Right to Safe Digital Environment**

Students have the right to safe, trusting, and positive ~~physical and~~ virtual learning environments. In accordance with Appendix A of the SR&R, these rights include: The right to be treated with respect in online learning environments. The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. The right to access, support, and opportunities to use the provided technology tools and resources that support learning. The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments. Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

E. Right to Distribute Literature

In high schools and middle schools, the student government shall coordinate the procedures for receiving and reviewing literature that students enrolled in the school want to display or distribute. In all schools, the material is subject to approval by the principal. The principal, in consultation with the student government, if feasible, shall determine adherence or nonadherence to the provisions of this section and the current versions of [Regulation 2612](#), [Policy 1365, Distribution of Materials](#), and [Regulation 1367, Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions](#). If the literature satisfies these requirements, the principal and student government shall not deny distribution based on the viewpoint expressed in the literature. The principal shall make this determination within one day after copies are presented and shall designate a reasonable time, place, and manner for distribution or display of such literature if the provisions of this section and the current version of [Regulation 2612](#) have been met.

Any student who does not agree with the principal's decision may appeal in writing **within two ~~four~~ school days** to the regional assistant superintendent, who shall make a decision within two school days after receipt of the appeal. A student who does not agree with the decision of the regional assistant superintendent may appeal in writing to the Division Superintendent. The Division Superintendent will render a decision within two school days, and that decision shall be final. The above time periods may be enlarged by school officials in extraordinary situations.

Elementary students may not make mass distributions of non-school materials in school buildings or on [school property](#) during school hours, including during bus arrival and departure times.

F. Rights of Adult Students and Their Parent

With certain exceptions, 18-year-olds are considered adults under the law of Virginia. Those 18-year-olds who want to act in lieu of their parent regarding field trips, part-time employment, use of motor vehicles, and questioning by police, must sign a declaration. Students who want to exercise this right may do so by following the procedures outlined in the current version of [Regulation 2604, Rights of Adult Students](#). The parent of such a student shall be notified of student's decisions in this regard.

As provided by federal law, the parent of a student who is a dependent for tax purposes may have access to the student's record. Further, as required by the Code of Virginia<sup>2</sup>, the parent will be notified by letter of any instance of the student's suspension from school. School personnel will continue to contact the student's parent regarding the student's academic performance in school and any suspension from school even though a declaration is filed by the student. Unless otherwise noted, adult students are subject to all rules and regulations of the school.

The SR&R hearing and appeal process does not apply in its entirety to students who are older than persons of school age as such term is defined in the Code of Virginia unless such students are eligible for special education services pursuant to the Individuals With Disabilities Education Improvement Act (collectively, "adult students"). While adult students are expected to comply with the rules of conduct as stated in the SR&R, the hearing and appeal process applicable to them is more limited and is as follows: the determination of whether an adult student has violated one or more rules of conduct, whether the adult student should be disciplined (up to and including [expulsion](#)), and whether readmission should be allowed, shall be made by the school principal whose decision in that regard shall be final unless—as to a [long-term suspension](#) or expulsion—the adult student appeals in writing within four ~~school~~ [business](#) days to the hearing officer. If an appeal is made by the adult student, the hearing officer may decide the appeal by reviewing only the written record or may elect to hold an additional hearing. The hearing officer's decision shall be in writing. If an appeal is made by the adult student to the School Board, the School Board may decide the appeal by reviewing the written record or may elect to hold an additional hearing.

#### G. Right for School Records

Students have the right to accurate and complete school records, maintained in accordance with applicable [federal](#) and [Virginia](#) laws. Accurate and complete individual records shall be maintained for each student enrolled in FCPS. The current versions of [Policy 2701, Student Personal Data](#), [Regulation 2701, Student Personal Data](#), and the Management of Student Scholastic Records Manual (the "Records Manual"), govern the management of student records and provide:

1. That [parent](#) has the right to inspect any and all records relating to their dependent(s).
2. That students who have reached 18 years of age, or are attending an institution of postsecondary education, have the right to inspect their records.
3. That students under the age of 18, with written parental permission, may inspect their records.

<sup>2</sup> According to the Code of Virginia, a "person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year. [Va. Code §22.1-1](#).

4. That information may be released to others only under carefully prescribed conditions in accordance with applicable [federal](#) and [Virginia](#) law, and outlined in the annual notice provided to all FCPS families regarding Surveys, Records, Curriculum, [Privacy](#), and Related Rights and Opt-Out Forms.
5. That nominal fees may be charged for duplication of records.
6. That a [parent](#) or adult students may challenge the contents of a student's scholastic record by following the procedures in the Records Manual, which provides for a complaint and a hearing.
7. That certain information, known as directory information, may be released without parental consent, in accordance with applicable [federal](#) and [Virginia](#) law, unless the [parent](#) has opted out of such disclosure in the annual notice provided to all FCPS families regarding Surveys, Records, Curriculum, [Privacy](#), and Related Rights and Opt-Out Forms.
8. That scholastic records may be forwarded on request to a school in which the student intends to enroll or to which the student has applied for admission.

The current versions of [Policy 2701](#), [Regulation 2701](#), and the Records Manual are available for review in the principal's office at each school.

#### H. Right to Complain<sup>3</sup>

Students or the [parent](#) who believe that actions or inactions of the school officials are not in their best interests may present complaints **[via written \(preferred method\) or verbal notice](#)** to teachers, counselors, or school administrators who shall make themselves available or schedule appointments to hear these complaints.

If you have any questions or concerns about the right to complain contact the Ombudsman's office at [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu). If you have any questions or concerns about the right to report sexual harassment, contact the [Title IX](#) coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu).

##### 1. Meeting with the Principal

If a student or [parent](#) is not satisfied that a complaint previously presented to a member of the school staff has been resolved satisfactorily, the student or parent may request a meeting of the student, the parent, and the principal. The principal may require the parent to attend and shall, following the meeting, promptly inform the parent in writing of the decision on the complaint. All staff shall report any observed or reported allegations of prohibited [discrimination](#). The principal shall notify, the [Title IX](#) coordinator, of complaints alleging prohibited [discrimination](#).

<sup>3</sup> This section does not apply to situations involving violations of conduct that result in suspensions from school, reassignments, or expulsion recommendations. For information on the right to appeal a short-term suspension from school to the Division Superintendent, see Chapter II.C.4.d. of this regulation. For information on the right to appeal to the School Board a long-term suspension from school, a school reassignment decision, or an expulsion recommendation, see the current version of [Policy 2611](#), Procedures for Hearings and Appeals to School Board. This section does not apply to situations involving reports of allegations of sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#).

## 2. Complaint to the Regional Assistant Superintendent

The principal's decision on a complaint may be submitted for review by the student or [parent](#) to the regional assistant superintendent within two [school days](#) following receipt of the principal's decision. The written complaint shall state precisely the reasons for the dissatisfaction with the principal's decision and shall be limited to the matter under review. Upon receipt of a written complaint, the regional assistant superintendent shall promptly review the complaint and inform the student or parent in writing of the decision. The regional assistant superintendent has the discretion to include a meeting with the principal and the student or parent as part of the review of the complaint.

### ~~Student Responsibilities~~

- ~~• Attendance~~
- ~~• Pledge of Allegiance and One Minute of Silence~~
- ~~• Dress Code~~
- ~~• Digital Citizenship and Cybersecurity~~
- ~~• Search and Seizure~~

## I. Responsibility for Attendance

### 1. General

School attendance is required by law, as outlined in the Code of Virginia, for all enrolled students, ages five to eighteen. Students are expected to attend all classes and to arrive for each class on time. Students shall follow their assigned daily schedules unless properly excused by the principal or authorized representative. Students shall provide a satisfactory written explanation from their [parent](#) for any absence from class and any student who seeks to leave school during the [school day](#) shall submit in advance a written parent request directed to the principal. Principals may, at their discretion, accept a personal or telephone contact with the parent in lieu of a written request. The current version of [Regulation 2234, Student Absences and Attendance Regulations](#), provides additional details, including how school absences and tardies are treated.

### 2. Chronic Absence

Chronic absence is missing ten percent or more of the school year for any reason, including illness or family emergency, suspensions, and unexcused absences. Missing school for any reason can impact learning, and chronic absence has been associated with below grade level reading skills, course failure, and dropping out of school. If a student is chronically absent, the school principal may contact the [parent](#) to develop a plan for improved attendance. The Virginia Department of Education now uses each school's chronic absence rate as one of the measures to determine school accreditation and school quality.

### 3. Unexcused Absences

An unexcused absence is an absence where (i) the student misses the scheduled instructional [school day](#) in its entirety and (ii) no indication has been received by school personnel within three days of the absence that the student's [parent](#) is aware and supports the absence, or (iii) the parent provides a reason for the absence that is unacceptable to the school administration. The school administration may change an unexcused absence to an excused absence when it determines that the parent has provided an acceptable reason meeting criteria for the student's absence or there are extenuating circumstances. School attendance is required by law, as outlined in the Code of Virginia. Absences and tardies will be addressed by individual interventions with students and the parent. Students are fully responsible for completing any missed assignments.

4. Five or More Unexcused Days of Absences

Whenever any student accumulates a total of five unexcused days of absence in a school year, the school will contact the [parent](#) and a plan will be developed. If the student continues to have unexcused absences in the same school year, and accrues a total of ten unexcused absences, a conference will be scheduled and the attendance officer or attendance intervention specialist will be notified. If further incidences occur in the school year the attendance officer may file a complaint with the Juvenile and Domestic Relations Court as described in [Section 22.1-258 of the Code of Virginia](#). The current version of [Regulation 2234](#) provides additional details.

J. Responsibility for Pledge of Allegiance and One Minute of Silence

Students at each school are expected to recite the Pledge of Allegiance and to observe one minute of silence, on a daily basis, at the direction of the principal unless the student or [parent](#) objects to participation in such exercises. Students shall not be subjected to unfavorable comment or [stigmatization](#) for their decision to participate in or to [abstain](#) from the [recitation](#) of the Pledge of Allegiance or the observance of one minute of silence. Nonparticipating students are expected to sit quietly, or to stand silently, during the Pledge of Allegiance or the observance of the minute of silence and to refrain from engaging in any disruptive or distracting activity. No disciplinary sanctions may be imposed for refusal to participate in reciting the Pledge of Allegiance or in observing the minute of silence; however, interference with the exercise of pledging allegiance by others or interference with other students' exercise of their choice to [meditate](#), pray, or engage in any other silent activity may result in the same disciplinary measures accorded to other instances of classroom disruption in school. Student prayer rights are described in more detail at <https://www.fcps.edu/current-employees/employee-resources/equity-and-employee-relations-eer/guidelines-religious>.

K. Responsibility for Dress Code

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, racist/culturally divisive, or [obscene](#); or clothing that promotes illegal or violent conduct, such as [gang](#) symbols, Confederate flags, swastikas and KKK references, the unlawful use of [weapons](#), drugs, alcohol, tobacco, [marijuana](#) or [drug paraphernalia](#); or clothing that contains [threats](#) is prohibited. (See Chapter II.A.2.b.(7) for additional information regarding gang-related clothing.) Clothing should fit, be neat and clean, and conform to standards of safety, good

taste, and decency. Clothing that exposes private areas or an excessive amount of bare skin is prohibited. Examples of prohibited clothing include but are not limited to: clothing that exposes undergarments, studded or chain belts, clothing constructed of see-through materials, and head coverings (i.e., hats) unless worn for a [bona fide](#) purpose (religious, cultural, medical). School administration may reach out to a student's family if clarification is needed regarding the purpose of a head covering.

School staff will resolve dress code infractions in a discreet and respectful manner and without any of the following: using any direct physical contact with the student or the student's attire or requiring any student to undress in front of another person. Dress code standards apply to all students. Students who are not compliant with the foregoing may be subject to counseling, loss of privileges, removal from class or activities, or disciplinary action.

The current version of [Regulation 2613, Student Dress Code](#), provides additional details.

~~L. Responsibility for Digital Citizenship~~

~~Students have the right to safe, trusting, and positive physical and virtual learning environments. In accordance with Appendix A of the SR&R, these rights include: The right to be treated with respect in online learning environments. The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. The right to access, support, and opportunities to use the provided technology tools and resources that support learning. The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments. Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.~~

M. Responsibility for Digital Citizenship and Security

FCPS expects students to be responsible members of society and to display good digital citizenship at all times. In such activities, students are to respect the rights of others and to refrain from the use of profanity or hateful messaging and cyber bullying in accordance with FCPS non-discrimination policy and the (including the portrayal or description of sexual matters) or libelous, causes substantial disruption of school activities, plagiarizes the work of others, is a commercial advertisement. It is the responsibility of the students to: Use only their account or password. It is a violation to share passwords or to otherwise give access to an account to any other user. Depending upon the specific circumstances, failing to adhere to these standards can lead to consequences under the SR&R.

Students have the right to a safe, trusting, and positive physical and virtual learning environment that is free from harm. Students are expected to abide by the Acceptable Use Policy for Student Network Access located in Appendix A. Violations of the Acceptable Use Policy are subject to sanctions under the SR &R.

The FCPS' network access is intended for educational purposes only. Any attempt to use any technology inappropriately, the operation of the network or equipment, or interfere with the learning environment is prohibited and will be subject to the sanctions under the SR&R.

Digital citizenship education is provided to all students for the purpose of maintaining a safe environment. When using devices, student shall respect others, conduct themselves ethically, follow digital citizenship and security guidelines on school distributed items and personally owned computing and network devices. Students may be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the school environment, and/or results in a criminal charge or conviction

A more detailed outline of specific rights and responsibilities for students using FCPS Electronic devices and the FCPS network can be found in the current version of [Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources](#).

N. Cell Phones

1. Elementary School-phones must be silenced and in backpacks for the duration of the school day. They may be utilized on campus only before and after school. Teachers may allow usage of cell phones for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs.
2. Middle School-phones must be silenced and kept put away for the duration of the school day. Storage may be in a locker, backpack, pencil bag, etc., during the day. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus before the first bell and after the last bell.
3. High School-phones must be silenced and kept put away during all instructional periods. Storage may be in a locker, backpack, pencil bag, etc., during classes. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus before the first bell, after the last bell, during passing periods, and lunches.

O. Responsibility Regarding Search and Seizure

1. General

Desks, lockers, and storage spaces, which are the property of the school are provided to students for their use. The principal may conduct general inspections on a periodic or random basis and may open desks, lockers, or storage spaces and examine the contents, including personal belongings of students. The [parent](#) shall be notified of instances of general search or individual search of belongings.

2. Individual Belongings

Any desk, locker, storage space, item of personal belonging, electronic device, and/or vehicle parked on [school property](#) or at a school-sponsored activity may be inspected on an individual basis when reasonable grounds exist to suspect that it contains evidence of a violation of a school regulation or of unlawful activity (such as illegal



drugs, [weapons](#), stolen property, and other contraband), provided that the search is conducted primarily for the purpose of enforcing order and discipline in the school or at the school-sponsored activity and not for criminal prosecution. Reasonable efforts to locate the student should be made prior to the search, if practicable. If the student is present, the school official shall advise the student of the circumstances justifying the search and seizure of the objects that the official believes the search may disclose. If the student is not present, the student shall be subsequently informed of the search. Stolen items, items that are prohibited by law, and items that are possessed or used in violation of School Board policy or school system regulations may be impounded. The student shall be given a receipt for any items impounded (other than contraband) by school authorities, and the [parent](#) shall be notified of any items impounded.

3. Individual Search

Students believed to have any such contraband on their person may be searched, and metal detectors may be used. Such personal searches may extend to pockets; to the removal and search of outer garments such as jackets, coats, sweaters, or shoes; and to items such as pocketbooks or backpacks. ~~Students suspected of having consumed alcohol or of being under the influence of marijuana or illegal drugs are subject to breath sample tests or drug tests (as provided in the current version of 2601), as appropriate.~~ Students who, without the permission of school officials, leave their school campus or otherwise access unauthorized areas (including their own vehicles) during the school day and thereafter return to any portion of [school property](#) during that same school day, are subject to search, as determined by school administration.

4. Video and Audio Surveillance

Public areas of [school property](#) are subject to video and audio surveillance and recording.

## CHAPTER II

### ACTS FOR WHICH STUDENTS MAY BE DISCIPLINED, DISCIPLINARY PROCEDURES, AND INTERVENTIONS

Positive approaches to student discipline and collaboration among a [parent](#), teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship. Fairfax County Public Schools (FCPS) is committed to working with a parent and utilizes schoolwide systems to teach, model, and reinforce positive conduct. The partnership between schools and families promotes school safety, effective learning environments, and the social-emotional development of students. When students do not demonstrate expected conduct or engage in misconduct that creates a disturbance in the learning environment or unsafe conditions for others in the school, a range of interventions and consequences are utilized. Under law, certain misconduct is expressly prohibited on [school property](#), buses, and during school-sponsored activities and may result in prescribed consequences. Other misconduct may result in interventions and/or disciplinary consequences determined by the principal, taking into consideration all relevant factors.

Administrators consider many factors when determining appropriate responses to student behavior, including, but not limited to, the student's age, developmental factors, and past response to interventions. Administrators may consider other factors independently or in consultation with staff members to discern what the behavior may be communicating. Administrative responses and interventions are designed to assist staff in understanding and addressing student behavior, re-teach and reinforce school and classroom expectations and prevent further issues that may impede academic progress, interfere with school operations, create negative relationships, or endanger the health, safety and welfare of students or others. Fairfax County Public Schools use a [multi-tiered system of support \(MTSS\)](#) to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.

FCPS is committed to the consistent, unbiased, and equitable implementation of discipline policy, regulations, and practices across all schools, educational programs, and varying demographic categories. The discipline response chart below is utilized to increase consistency and guide principal decisions regarding discretionary consequences. Possible disciplinary sanctions for each level are defined and, when used, should be paired with an intervention from the same level or an earlier level as appropriate.

The following administrative responses to student behavior are provided as a guide for administrators but will in no event limit administrators' ability to exercise discretion required to construct a response and intervention that, in their judgement, is appropriate under the totality of the circumstances presented. While reliance upon suggested levels may be appropriate when responding to many student behavior issues, FCPS recognizes that circumstances will arise which warrant an administrative response that varies from the table set forth below. Those circumstances include, but are not limited to, incidents in which the principal determines that the misconduct has substantially impeded the learning of the students or others, interfered with school operations, endangered the well-being of others, or the conduct was repetitious following attempts to intervene.

In the event of a conflict between a provision of the chart and the narrative of the SR&R, the narrative shall govern.

**Leveled Responses to Student Behaviors**

X = aligns with state and local guidance for where leveled sanctions should begin

\* = allows this level of sanction to be imposed at the principal’s discretion as part of a progressive response

® = allows for a suspension up to 5 days **if frequency and intensity are present**. Also allows for a [referral to the Division Superintendent](#); however, if a referral is made, the misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations

SBAR Code <sup>4</sup>	Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students	Level 1	Level 2	Level 3	Level 4	Level 5
BAP1	Interfering with learning in the classroom (talking, excessive noise, off task, out of seat, possessing items that distract)	X	X	*	®	
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X	*	®	
BAP3	Scholastic dishonesty (such as cheating, plagiarism)	X	X	*	®	
BAP4 <sup>5</sup>	Unexcused tardiness to class	X	X			
BAP5 <sup>5</sup>	Unexcused tardiness to school	X	X			

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO1	Altering an official document or record	X	X	*	®	
BSO2	Giving false information to staff; misrepresentation	X	X	X	®	
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X	®	
BSO4 <sup>5</sup>	Failure to be in one’s assigned place on school grounds	X	X			
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	X	X	X	®	
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X	®	
BSO7	Dress Code violation	X	X	*		
BSO8	Gambling (games of chance for money or profit)	X	X	*	®	
BSO9	Possessing items that are inappropriate for school, but do not endanger others (examples include toys, literature, electronics)	X	X	*	®	
BSO10	<a href="#">Possession</a> of stolen items, other than prescription medication	X	X	X	®	
BSO11	Unauthorized use of school electronic or other equipment	X	X	*	®	

<sup>4</sup> SBAR Codes are the student disciplinary reporting codes established by the Virginia Department of Education

<sup>5</sup> **Exclusionary dispositions shall not be given for tardiness or attendance infractions**

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO12	Violation of the Acceptable Use of Technology/Internet policy	X	X	X	®	
BSO13	Violation of School Board policy regarding the <a href="#">possession</a> or use of portable communication devices	X	X	*	*	
BSO14	Vandalism, graffiti, or other damage to school or personal property	X	X	X	*	

SBAR Code	Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done) <sup>6</sup>	Level 1	Level 2	Level 3	Level 4	Level 5
RB1	<a href="#">Bullying</a> with no physical injury	K- <del>63</del>	X	X	®	
RB1a	<del><a href="#">Outing with intention</a></del>	K- <del>63</del>	X	X	®	
RB3	Posting, <a href="#">distributing</a> , displaying, or sharing inappropriate or <a href="#">obscene</a> material or literature, including using electronic means	X	X	X	*	
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X	*	
RB5	Stealing money or property without physical force	X	X	X	®	
RB6	Speaking to another in an uncivil, discourteous manner	X	X	X	®	
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X	®	
RB8	Using profane or <a href="#">vulgar</a> language or gestures (swearing, cursing, <a href="#">hate speech</a> , <a href="#">gang</a> signs or gestures)					
RB8a	Swearing/cursing	X	X	X	®	
RB8b	<a href="#">Hate speech</a>	X	X	X	®	
RB8c	<a href="#">Gang</a> signs	X	X	X	®	
RB8d	Gestures	X	X	X	®	
RB9	Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	K- <del>63</del>	X	X	®	
RB9a	Using slurs based upon the actual or perceived race	K- <del>63</del>	X	X	®	
RB9b	Using slurs based upon the actual or perceived ethnicity	K- <del>63</del>	X	X	®	
RB9c	Using slurs based upon the actual or perceived color	K- <del>63</del>	X	X	®	
RB9d	Using slurs based upon the actual or perceived national origin	K- <del>3</del>	X	X	®	
RB9e	Using slurs based upon the actual or perceived citizenship/immigration status	K- <del>63</del>	X	X	®	

<sup>6</sup> These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#).

SBAR Code	Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done) <sup>6</sup>	Level 1	Level 2	Level 3	Level 4	Level 5
RB9f	Using slurs based upon the actual or perceived weight	K-63	X	X	®	
RB9g	Using slurs based upon the actual or perceived gender	K-63	X	X	®	
RB9h	Using slurs based upon the actual or perceived gender identity (which includes, but is not limited to, malicious <a href="#">deadnaming or malicious misgendering</a> )	K-63	X	X	®	
RB9i	Using slurs based upon the actual or perceived gender expression	K-63	X	X	®	
RB9j	Using slurs based upon the actual or perceived sexual orientation	K-63	X	X	®	
RB9k	Using slurs based upon the actual or perceived religion	K-63	X	X	®	
RB9l	Using slurs based upon the actual or perceived disability	K-63	X	X	®	
RB10	Failure to respond to questions or requests by staff	X	X	X	®	
RB11	Unwanted or improper physical contact	X	X	X	*	

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC1	Alcohol: Possessing or using alcohol		X <sup>7</sup>	X	®	
BSC1a	Alcohol: Under the influence of		X <sup>7</sup>	X	®	
BSC2	Alcohol: <a href="#">Distributing</a> alcohol to other students				X ®	
BSC3	Drugs: Possessing <a href="#">drug paraphernalia</a>		X	X	®	
BSC4	Drugs: Violating School Board non-prescription (Over-the-Counter) medication policy (see narrative)	X	X	X	®/ *	
BSC4a	Drugs: Violating School Board imitation drug policy		X <sup>8</sup>		X	
BSC5	Tobacco: Possessing tobacco products		X	X	®	
BSC5a	Tobacco: Using tobacco products	*	X	X	®	
BSC5b	Tobacco: <a href="#">Distributing</a> tobacco/electronic cigarette products	*	X	X	®	
BSC5c	Tobacco: Possessing tobacco paraphernalia	*	X	X	®	
BSC5d	Tobacco: Possessing electronic cigarettes	*	X	X	®	

<sup>7</sup> Required response for first time possession, use ~~or distribution~~ of alcohol, inhalants, marijuana, or non-alcoholic beer: up to a 2 day in-school suspension; voluntary completion of Alcohol and Other Drug intervention; parent information session; 7-14 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the wellbeing of others. **Selling or distribution of alcohol, or drugs (with the exception of tobacco products) shall be a mandatory referral to the Division Superintendent.**

<sup>8</sup> While exceptions may apply, the typical required response for first time possession or use of prescription drugs (that are not prescribed to the student) or imitation drugs: 2 days in-school suspension; completion of Alcohol and Other Drug intervention; parent information session; 21 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the well-being of others.

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC5e	Tobacco: Using electronic cigarettes	- *	X	X	®	
BSC6	<a href="#">Bullying</a> behavior without physical injury that continues after intervention. Bullying that leads to physical injury should be classified as Assault and Battery	- *	X	X	X	
BSC7	Cyberbullying that continues after intervention. Cyberbullying that relates a <a href="#">threat</a> to the safety of students and staff should be treated with a higher level of intervention and consequences	- *	X	X	X	
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment (includes age, marital, and military status)	- *	X	X	X	
BSC8 a-d <sup>6</sup>	Discriminatory Harassment: Harassment based on a person's (a) race, color, national origin, (b) religion, (c) disability, or (d) any other legally protected category <b>to include outing related to gender identification and immigration status.</b>	- *	X	X	X	
BSC8e	Sexual Harassment: includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature could be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity - TIX	- *	X	X	X	
BSC8f	Discriminatory Harassment: Gender Identity - TIX	- *	X	X	X	
BSC8g	Discriminatory Harassment: Sexual Orientation - TIX	- *	X	X	X	
BSC8h	Sexual Harassment: conduct on the basis of sex that meets the definition of Dating Violence - TIX	- *	X	X	X	
BSC8i	Sexual Harassment: conduct on the basis of sex that meets the definition of Domestic Violence - TIX	- *	X	X	X	
BSC9	Bus: Distracting the bus driver	K- <del>63</del>	X	X	®	
BSC10	Bus: Endangering the safety of others on the bus	K- <del>63</del>	X	X	®	
BSC11	Fire Alarm: Falsely activating a fire or other disaster alarm	K- <del>63</del>	X	X	®	
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X	X	®	
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	X	X	X	®	
BSC14	Fighting that results in no injury as determined by the school administration	X	X	X	®	
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	K- <del>63</del>	X	X	*	
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X	X	®	
BSC17	Minor shoving, pushing, striking, or biting a student with no visible injury	X	X	X	®	

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC18 <sup>6</sup>	Exposing body parts, <a href="#">lewd</a> , or indecent public behavior	K-63	X	X	®	
BSC19 <sup>6</sup>	Physical contact of a sexual nature—patting body parts, pinching, tugging clothing	K-63	X	X	*	
BSC21	<a href="#">Stalking</a> – TIX (See Glossary)	*	X	X	X	
BSC22	Stealing money or property using physical force (no <a href="#">weapon</a> involved)		K-63	X	X	
<del>BSC23</del>	<del>Stealing money or property or attempting to steal money or property using weapons or dangerous instruments</del>					X
BSC24	Leaving school grounds without permission	X	X			
BSC25	Trespassing	*X	X	X	®	
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another		*X	X	®	
BSC27	<a href="#">Weapons</a> : Possessing any weapon (other than a firearm) as defined by <a href="#">§18.2-308.1</a>		K-63	X	*	
BSC27a	Possessing a machete, switchblade knife, or any other knife with a blade length of three inches or more					X

SBAR Code	Category E: Behaviors that Endanger Self or Others (BESO). These behaviors endanger the health, safety, or welfare of either the student or others in the school community	Level 1	Level 2	Level 3	Level 4	Level 5
BESO1	Assault: Intending to cause physical injury to another person	K-63	X	X	X	
<del>BESO1a</del>	<del>Group Assault: Intending to cause physical to another person</del>	K-63	X	X	X	
BESO2	Assault and Battery: Causing physical injury to another person other than a staff member		X	X	X	
BESO2a	Assault and Battery: Causing physical injury to a staff member		K-63	K-63	K-64-6	7-12
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	*X	X	X	®	
BESO4	Striking Staff: The use of force against a staff member when no injury is caused	K-63	X	X	X	
<del>BESO5</del>	<del>Drugs: Possessing controlled substances, illegal drugs inhalants, or synthetic hallucinogens or unauthorized prescription medications</del>					
BESO5a	Drugs: Possessing <a href="#">marijuana</a> or THC oil		X <sup>7</sup>	X	®	
<del>BESO5a</del>	<del>Drugs: Possessing schedule I &amp; II drugs</del>					X
<del>BESO5b</del>	<del>Drugs: Possessing <a href="#">inhalants</a></del>	*	X <sup>8</sup>	*	®	X <sup>8</sup>

SBAR Code	Category E: Behaviors that Endanger Self or Others (BESO). These behaviors endanger the health, safety, or welfare of either the student or others in the school community	Level 1	Level 2	Level 3	Level 4	Level 5
BESO5e <b>d</b>	Drugs: Possessing unauthorized prescription medications		X		®	X
BESO5d <b>e</b>	Drugs: Possessing your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO5e <b>f</b>	Drugs: Possessing other drugs					X
BESO6	Drugs: Being under the influence of <a href="#">controlled substances</a> , illegal drugs, <a href="#">inhalants</a> , or synthetic hallucinogens or unauthorized prescription medications		X	*X	®	
<b>BESO7</b>	<b><u>Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications.</u></b>					
BESO7a <b>a</b>	Drugs: Using marijuana or THC oil			X		
BESO7a <b>b</b>	Drugs: Using cocaine or Schedule I <a href="#">controlled substances</a> (including ecstasy, LSD, and <a href="#">synthetic marijuana</a> )					X
BESO7b <b>c</b>	Drugs: Using <a href="#">inhalants</a>	*	X <sup>7</sup>	*X	®	
BESO7e <b>d</b>	Drugs: Using unauthorized prescription medications		X <sup>8</sup>		®	X <sup>9</sup>
BESO7d <b>e</b>	Drugs: Using your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO7e <b>f</b>	Drugs: Using other drugs					X
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire		*X	X	X	
BESO10	<a href="#">Gang</a> -Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in <a href="#">§18.2-46</a> <sup>10</sup>		*X	X	X	
BESO11	<a href="#">Hazing</a> as defined in <a href="#">§18.2-56</a> and noted in <a href="#">§ 22.1-279.6</a>		*X	X	X	
BESO12	Threatening, intimidating or instigating violence, injury or harm to a staff member or members		K-63	X	X	
BESO13	Threatening, intimidating or instigating violence, injury or harm to another student(s) or other(s)	K-63	X	X	X	
BESO15	Using an object not generally considered to be a weapon to threaten, intimidate, or attempt to injure school personnel					X
BESO16	Using an object not generally considered to be a weapon to threaten, intimidate, or attempt to injure student(s) or other(s)					X
BESO17	Bomb threat–Making a bomb <a href="#">threat</a>		*	X	X	

<sup>9</sup> Second or subsequent possession or use of a prescription drug not prescribed to the student, or imitation drugs, shall result in a referral to the Division Superintendent.

<sup>10</sup> Students engaging in gang-related activities should be referred to the Office of Student Safety and Wellness for additional resources



SBAR Code	Category F: Persistently Dangerous (PD). Behaviors described in the Virginia’s Unsafe School Choice Option Policy required by the federal Every Student Succeeds Act of 2015.	Level 1	Level 2	Level 3	Level 4	Level 5
PD1	Homicide - Firearm					X
PD2	Homicide - Other Weapon					X
PD3	<a href="#">Sexual Assault</a> – TIX					TIX
PD4	Attempted <a href="#">Sexual Assault</a> – TIX					TIX
PD5	Use of a Bomb					X
PD6	Assault with Firearm or Weapon					X
PD7	Actual or Attempted Robbery					X
PD8	Kidnapping/Abduction					X
PD9	Malicious Wounding without a Weapon					X
PD10	Aggravated Sexual Battery on a Student - TIX					TIX
PD11	Illegal <a href="#">Possession</a> of a Handgun					X
PD12	Illegal <a href="#">Possession</a> of Rifle or Shotgun					X
PD13	Illegal <a href="#">Possession</a> of Any Other Projectile Weapon					X
PD14	Illegal <a href="#">Possession</a> of a Bomb					X
PD15	Illegal <a href="#">Possession</a> of Other Firearms					X
PD16	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell ( <a href="#">Marijuana</a> )					X
PD16a	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell (Schedule I/II)					X
PD16b	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell (Schedule III-VI)					X
PD16c	<a href="#">Distributing controlled substances</a> or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) ( <a href="#">Marijuana</a> )					X
PD16d	<a href="#">Distributing controlled substances</a> or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) (Schedule I/II)					X
PD16e	<a href="#">Distributing controlled substances</a> or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) (Schedule III-VI)					X

The following levels of administrative response are comprised of tiered social-emotional, behavioral, and academic supports provided by other school personnel and in collaboration with the student’s family and can be paired with potential sanctions. The following administrative responses to student behavior are provided as a guide for administrators and intended to provide a progressive leveled response that is as minimally exclusionary to the fullest extent possible.

Level	Responses:
1	<b>Level 1 Responses</b> are intended to prevent further behavioral issues while keeping the student in school.

Level	Responses:
	<p><b>Interventions and Supports:</b></p> <ul style="list-style-type: none"> <li>• Seat change</li> <li>• Written reflection as an opportunity for intervention</li> <li>• Counselor/Student conference (includes re-teaching of expected behavior)</li> <li>• Behavior progress chart: recognize and reward positive alternative behavior</li> <li>• Administrator/Student conference</li> <li>• Administrator/Teacher/<a href="#">Parent</a> conference</li> <li>• Written reflection</li> <li>• Restorative circle or conflict resolution</li> <li>• School-based community service (to repair the relationship)</li> <li>• Restitution</li> </ul> <p><b>Sanctions:</b></p> <ul style="list-style-type: none"> <li>• Confiscation of student articles by the administration (to be returned a parent)</li> <li>• Temporary loss of classroom or parking privileges</li> <li>• Detention (before school, at lunch, after school)</li> </ul>
<b>2</b>	<p><b>Level 2 Responses</b> are designed to prevent further behavior issues and keep the student in school. Interventions expand and depending upon the severity of the behavior, may include short-term removal of the student from the classroom. .</p> <p><b>Interventions and Supports (in addition to Level 1 options):</b></p> <ul style="list-style-type: none"> <li>• Behavior contract (developed with and signed by the student, <a href="#">parent</a>, and school officials)</li> <li>• Check-In/Check-Out</li> <li>• Schedule change</li> <li>• Referral to school multi-tiered system of support (MTSS) team</li> <li>• Consultation with support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Office of Special Education Instruction, Substance Abuse Prevention specialist, or Mentor Program)</li> </ul> <p><b>Sanctions (in addition to Level 1 options):</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for up to seven calendar days</li> <li>• Saturday detention</li> <li>• Removal from classroom for less than half the day (AIA)</li> <li>• In-school suspension (up to two school days) with behavioral instruction and academic support</li> </ul>
	<p><b>Level 3 Responses</b> include more intensive interventions. Dependent upon the severity, repeated nature of the behavior and/or safety concerns, Level 3 responses may include the student’s short-term removal from school.</p> <p><b>Interventions and Supports (in addition to Levels 1 and 2 options):</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Restorative justice conference</a></li> <li>• Referral to support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Substance Abuse Prevention specialist, or Mentor Program)</li> <li>• Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)</li> </ul>

Level	Responses:
3	<ul style="list-style-type: none"> <li>• Referral to behavioral support group</li> <li>• Referral for community-based services</li> <li>• <a href="#">Threat</a> assessment as indicated by the behavior</li> <li>• Invitation for <a href="#">parent</a> to visit/consider alternative education programs</li> <li>• Referral to local screening committee to determine need for assessment for special education or 504 eligibility</li> <li>• Referral to individualized education plan (IEP) team</li> </ul> <p><b>Sanctions (in addition to Levels 1 and 2 options):</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for 7-14 calendar days</li> <li>• In-school suspension (up to five school days) with behavioral instruction and academic support</li> <li>• Short-term out-of-school suspension (up to two school days) with restorative circle or administrator conference upon return</li> <li>• Referral to law enforcement where required</li> </ul>
4	<p><b>Level 4 Responses</b> include targeted individualized interventions and customarily result in school-based disciplinary action. However, the principal may make a <a href="#">referral to the Division Superintendent</a> for these violations. A <a href="#">referral to the Division Superintendent</a> may result in a number of different responses based on circumstances and rarely results in an <a href="#">expulsion</a>.</p> <p><b>Interventions and Supports (in addition to Levels 1–3 options):</b></p> <ul style="list-style-type: none"> <li>• Restitution via written contract</li> <li>• <a href="#">Threat</a> assessment as indicated by the behavior</li> <li>• If review of the student’s suspension record indicates that the student has had multiple suspensions for the same or related behaviors, suggesting a pattern of behavior concerns or when there is a <a href="#">referral to the Division Superintendent</a>, IEP team should conduct an FBA and/or BIP</li> </ul> <p>Students with disabilities</p> <ul style="list-style-type: none"> <li>• Referral to IEP team if the student has or will have had more than ten days of suspension cumulatively over the school year to determine how services will be delivered on day 11             <ul style="list-style-type: none"> <li>• IEP team may also consider possible need for change to goals, accommodations, services, or placement <del>on</del> <b>in the</b> IEP.</li> <li>• If any action may result in a change of special education placement, including a series of short-term removals reaching ten days or a <a href="#">referral to the Division Superintendent</a>, then a Manifestation Determination Review meeting must be held.</li> </ul> </li> </ul> <p><b>Sanctions:</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for 14-21 calendar days</li> <li>• Short-term out-of-school suspension (up to three school days for grade K-3 students per incident, unless specified misconduct has occurred; up to five school days for grade 4-12 students, unless accompanied by <a href="#">referral to the Division Superintendent</a>, in which case the principal may suspend for up to ten school days) with restorative circle or administrator conference upon return</li> <li>• <a href="#">Referral to the Division Superintendent</a></li> </ul>

Level	Responses:
	<ul style="list-style-type: none"> <li>Referral to law enforcement as required</li> </ul>
<b>5</b>	<p><b>Level 5 responses</b> target behaviors for which the code of Virginia or School Board policy mandate a <a href="#">referral to the Division Superintendent</a>. Interventions are intended to support the student during any related short-term removal from school, and to implement required protections for students with disabilities. A <a href="#">referral to the Division Superintendent</a> may result in a number of different responses based on circumstances and rarely results in an <a href="#">expulsion</a>.</p> <p><b>Required Interventions and Supports:</b></p> <ul style="list-style-type: none"> <li>Referral to Out-of-School Support Office to arrange academic support during suspension</li> <li>Referral to school counselor, school social worker, and school psychologist to identify who will contact family and student to determine emotional status and offer support</li> </ul> <p>Students with disabilities</p> <ul style="list-style-type: none"> <li>MDR, even if the student has not had ten days of suspension, because the consequence assigned may result in a change in placement.</li> <li>FBA or BIP</li> <li>Referral to IEP team to determine how services will be delivered on day 11 (when a student with a disability has been suspended for 10 or more days cumulatively over school year)             <ul style="list-style-type: none"> <li>IEP team may also consider possible need for change to goals, accommodations, services, or placement on IEP</li> </ul> </li> </ul> <p><b>Required School-based Administrative Responses to Level 5 Behaviors:</b></p> <ul style="list-style-type: none"> <li>Referral to Division Superintendent</li> <li><a href="#">Threat</a> assessment when indicated by the behavior</li> <li>Referral to law enforcement as required</li> </ul>

A. Acts for Which Students May Be Disciplined

Introduction: Administrators consider many factors when determining responses to student behavior and follow the leveled responses to student behavior charts. The least exclusionary sanctions paired with targeted interventions are to be used prior to removal from the classroom. When the intensity and/or frequency of the behavior is not positively impacted by less restrictive consequences, sanctions may include suspension, reassignment, [expulsion](#), and exclusion from school and all school-sponsored activities, for prohibited conduct as outlined in this regulation occurring on [school property](#), while engaged in or attending a school-sponsored activity (i.e., sports, clubs), 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 school environment, and/or results in a criminal charge or conviction.

If a student has been suspended from school, make-up work will be provided by the school during the period of suspension and graded upon return. A [parent](#) is expected to provide adequate supervision for the student during periods of suspension and to work collaboratively with the

school to arrange for assignments to be picked up and to ensure that the student completes assignments while on suspension.

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. Principals customarily will respond to many instances of prohibited conduct with school-based consequences, including, where necessary, suspension not to exceed five days<sup>11</sup> as outlined in this regulation. For more serious violations, the principal has the discretion to choose to make a [referral to the Division Superintendent](#) to conduct a hearing in order to consider more serious disciplinary action (to include a [long-term suspension](#), a reassignment, and/or a recommendation to the School Board for [expulsion](#)). Where a [referral to the Division Superintendent](#) is made, the principal also may impose a suspension of up to ten days and may recommend a specific disciplinary action to the Division Superintendent. No inference is to be drawn from the absence of a principal's recommendation. For the most serious violations (including those involving certain [weapons](#), illegal drugs, and assault on a school employee causing injury), the principal is obligated by School Board policy to make a referral to the Division Superintendent.

A school principal may impose a [short-term suspension](#) and make a [referral to the Division Superintendent](#) in any situation involving prohibited conduct as outlined in this regulation. The misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations.

Any student who commits multiple offenses (regardless of their nature) at the same time or on different occasions may, at 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.

Before a student is removed from their base school and reassigned to another educational setting, other disciplinary options will be considered such as loss of privileges, community service, after school detention, or Saturday school. When a student is subject to out-of-school suspension, the school system shall, if feasible, provide academic support and other services necessary for the student to maintain academic progress.

When a student makes a [threat](#) of violence toward others, or when a student's behavior indicates that a threat is reasonably likely, a threat assessment will be conducted by school officials, pursuant to [Regulation 2111](#), Procedures for Conducting a Threat Assessment. 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 preventive or corrective measures to maintain a safe and secure school environment. The [parent](#) is notified of the threat assessment and their input is part of the assessment process. Principals shall report to the police any occurrence of specific types of threats, and shall notify the parent of any minor child who is the object of such a threat, pursuant to [Regulation 2111](#). 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.

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<sup>11</sup> Students who are in kindergarten through third grade ordinarily are not subject to suspensions from school of more than three consecutive days. Virginia law provides for exceptions where such students engage in dangerous misconduct (see Chapter II.C.3. of this regulation).

Students may be disciplined for offenses defined and classified as Title IX offenses in [Regulation 2118](#), Title IX: Sexual Harassment by Students. at the conclusion of the Title

IX grievance process enumerated in [Reg 2118](#). Potential disciplinary consequences for each of the behaviors specified with TIX in the Leveled Responses to Student Behavior charts include but are not limited to: suspension, reassignment, [expulsion](#), and exclusion from school and all school-sponsored activities. Only Title IX decision-makers (designated as the Superintendent's hearing officer(s)) may impose discipline related to those offenses, and such discipline will not be implemented until the conclusion of the Title IX grievance process, including any appeals, as well as the discipline appeal afforded in [Reg 2118](#), Section V.

Retaliation against individuals who report or participate as witnesses in the investigation of a [discrimination](#), harassment, and/or [sexual misconduct](#) complaint is strictly prohibited. Retaliation means any adverse action taken against a person for making a report of [discrimination](#), harassment, and/or sexual misconduct; or participating in any activity related to the complaint. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage someone from reporting or participating in a discriminatory harassment or sexual misconduct investigation.

In accordance with [VA Code 22.1-277.06](#), recommendations of the Division Superintendent for [expulsion](#) by the School Board for prohibited conduct other than those involving illegal drugs or [statutory weapons](#) shall be based on consideration of the following factors: (i) the nature and seriousness of the violation; (ii) the danger to the school community; (iii) the student's disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative educational placement or program; (v) the student's age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student's attendance and academic records; and (viii) such other matters as deemed appropriate. No decision to discipline a student shall be reversed solely on the grounds that such factors were not considered.

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 behavior; alcohol, tobacco, [marijuana](#), 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

- a. The following violations may result in a suspension from school for up to five days unless the principal makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

- (1) Threatening to assault or physically assaulting a school staff member without injury.

- (2) Any involvement in a mob assault. 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.

(3) Threatening to assault or physically assaulting another student or any other person (other than a staff member), whether or not causing injury.

(4) [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. 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](#).

(5) Improper touching of another person (whether or not consensual).<sup>12</sup>

b. For students in grades 7-12, physically assaulting a staff member causing injury shall result in a [referral to the Division Superintendent](#) and the principal may suspend for up to ten days. For students in grades K-6, physically assaulting a staff member causing injury may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

## 2. Disruptive Behavior

Disruptive behavior often interferes with student learning and school operations. For violations involving disruptive behavior, a [restorative justice conference](#) and/or referral to the FCPS restorative justice practitioner may be used in lieu of, or in addition to, disciplinary action, at the discretion of the principal.

a. The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

(1) Misconduct, including fighting<sup>13</sup>, mistreating, cursing, hateful, [vulgar](#), or offensive gesturing, or verbally abusing any person

(2) Use or [possession](#) of fireworks

<sup>12</sup> These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#). All staff members shall report all allegations of bullying and harassment to the principal. The principal is responsible for notifying the Title IX coordinator of any sexual harassment allegation within 24 hours of receiving notice. All allegations (whether founded or not) of such, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS).

<sup>13</sup> School officials may, in their discretion, consider self-defense as a factor when determining disciplinary action for misconduct involving fighting. Self-defense will never justify or excuse any other violation of the SR&R, including but not limited to any possession or use of a weapon.

<sup>14</sup> ~~FCPS welcomes the appropriate use of personally owned devices in accordance with Department of Information Technology guidelines. A personally owned device which is misused is subject to impoundment by school officials, who may require the student's parents to make an appointment to retrieve the device.~~

- (3) Using profane or vulgar language or gestures (swearing, slurs, cursing, hate speech, gang signs or gestures)
  - (4) Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, religion, or disability
  - (5) Verbal or written use of vulgar, profane, obscene, or patently offensive language<sup>12</sup>
  - (6) Disruption of the educational process, or open defiance of the authority of any teacher or staff member
  - (7) Possession or use of a smoking or vaping device (for example, a vape, a JUUL, or a like device). To the extent the foregoing contains alcohol, marijuana, nicotine, or an illegal drug, specific consequences are listed below in this regulation
  - (8) Willful disruption of any school-sponsored activity that impedes participation of others or presents a safety concern
  - (9) ~~Use of personally owned electronic devices<sup>13</sup> or any use in~~ **Violation regarding the Acceptable Use Policy of the acceptable use policy or of the direction of a school official**
  - (10) Unauthorized use or possession of a laser pointer or other laser devices
  - (11) Forgery, cheating, plagiarism, or dishonesty, including the use of portable communication devices for such purpose
  - (12) Gambling in any form
  - (13) Use or possession of matches or lighters
- b. The following violations may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.
- (1) Vulgar, profane, obscene, or patently offensive conduct including 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, including via the Internet or other electronic means.<sup>12</sup>
  - (2) Bullying<sup>14</sup> on any basis.
  - (3) Discriminatory harassment<sup>12</sup> (which is harassment based on a person's age, race, color, religion, national origin, marital status, disability, or any other legally protected category.) Sexual harassment is prohibited by Regulation 211

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<sup>14</sup> The principal is responsible for investigating and documenting all allegations of bullying. All allegations (whether founded or not) of bullying, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS). In connection with any allegation of bullying, and within five school days of the initial report of such to a school official, the principal shall furnish notice regarding the status of the investigation to the parent of each student allegedly involved.



- (4) [Sexual misconduct](#)<sup>12</sup> (which includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature) but that is not within the scope of “sexual harassment” as defined by [Regulation 2118](#).
  - (5) Conduct that endangers the well-being of others, including making threats or intimidating.
  - (6) Unauthorized or illegal use of, or access to, computers, software, telecommunications, or related technologies or any willful act that causes physical, financial, or other harm to, or otherwise disrupts, information technology or the academic environment **or any violation of cybersecurity policies set forth by the Office of Cybersecurity (OCS)**.
  - (7) 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](#) and refer the student to the FCPS Student Safety and Wellness Office for additional resources and interventions to address gang involvement.
3. Alcohol, Tobacco, [Marijuana](#), and Other Drug Violations (including Vaping of Any Substance)

School disciplinary action may be taken regardless of whether the student’s age is such that the [possession](#) or use of alcohol, tobacco products, [marijuana](#), or over-the-counter drugs is permitted by law.

a. Tobacco and Smoking Device Violations

The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the [principal](#) may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Possessing, using, or [distributing](#) tobacco products, vaping products, or smoking devices (to include, for example: JUUL devices, electronic cigarettes, vapor devices, and hookah pens), all of which are collectively referred to herein as “tobacco products.”

- (1) For a first violation related to tobacco products, a student shall participate in an FCPS tobacco and smoking intervention program to be conducted by the Student Safety and Wellness Office. Failure to attend and successfully complete the intervention program shall result in a school-based disciplinary action not to exceed one day of

suspension. The [parent](#) is expected to complete an information session on the prevention of substance misuse.

- (2) For a second or subsequent violation related to tobacco products, a student shall receive an in-school consequence or be suspended from school for no more than two days at the discretion of the [principal](#).

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

b. Alcohol, [Marijuana \(including THC oil\)](#), and [Inhalants, Possession and Use](#)

For violations involving alcohol, [marijuana](#), or inhalants, students ~~may~~ **shall** be referred to an FCPS alcohol and other drug ([AOD](#)) intervention program in lieu of, or in addition to, disciplinary action at the discretion of the [principal](#)

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), ~~up to and including a two-day in-school suspension~~. However, the principal may make a [referral to the Division Superintendent](#) **and suspend up to ten days** for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. ~~Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.~~

(a) **For a first violation related to alcohol, marijuana, or inhalants a student shall participate in an FCPS tobacco and smoking intervention program to be conducted by the Student Safety and Wellness Office and receive up to two day in-school suspension. Failure to attend and successfully complete the intervention program shall result in a school-based disciplinary action not to exceed one day of suspension. The parent is expected to complete an information session on the prevention of substance abuse.**

(b) **For a second or subsequent violation related to use of or possession of alcohol, marijuana, or inhalants a student shall receive an in-school consequence or be suspended from school for no more than two days at the discretion of the principal. Given the unique circumstances of the situation (e.g. multiple infractions, progressive discipline, etc.) principals may impose a suspension up to five days.**

- (2) **For possession in an amount indicative of personal individual use for a single occasion or use; alcohol, marijuana, inhalants, or nonalcoholic beer, herein referred to as prohibited substances, and its impact on students ability to participate in student activities (so long as such student has not engaged in other prohibited conduct for which a referral to the Division Superintendent is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension, possessing, distributing, manufacturing, or**

~~being under the influence of alcohol, marijuana, inhalants, or nonalcoholic beer, herein referred to as prohibited substances.~~

- (a) For high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
  - (b) For high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all [student activities](#) including teams, clubs, and all other school-sponsored activities for an additional 14-21 days.
- (3) If the student is suspected of being under the influence of alcohol, [marijuana](#), or otherwise having violated the provisions of this section, the [principal](#) shall notify the [parent](#) of the suspicion. ~~For suspicion of alcohol the principal may shall immediately administer a breath sample test to determine any alcohol content and/or~~ **The principal shall** recommend that the student do at least one of the following:
- (a) Voluntarily attend an FCPS [AOD](#) intervention program.
  - (b) Voluntarily participate in a substance abuse assessment, at [parent](#) expense, with the Fairfax-Falls Church Community Services Board or a private provider to determine the need for substance abuse treatment.
- (4) Selling and distributing alcohol, marijuana, inhalants, or nonalcoholic beer shall be referred to the Division Superintendent for first and subsequent offenses**

c. [Nonprescription Drugs](#) (Over-the-Counter Drugs)

Nonprescription drugs are those not authorized under the current version of [Regulation 2102, First Aid, Emergency Treatment, and Administration of Medications for Students](#). 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 drugs intended to be ingested or inhaled. The [parent](#) is expected to bring all medication, including nonprescription medication, to the school health room so the medication can be safely stored and administered.

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension.

<sup>15</sup> These types of violations may include, but are not limited to, assault on staff or students with injury, possession of weapons or explosives, possession of drugs or controlled substances indicative of an intent to distribute, distribution of drugs and/or controlled substances, or any violation that would clearly interfere with graduation ceremonies. The decisions to exclude a student from graduation may be based on a decision from the Hearings Office or may be made by the principal in collaboration with the regional assistant superintendent.

However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Using, abusing, possessing, or [distributing](#) (where such distribution is other than for the purpose of abuse) any [nonprescription drug](#).

- (2) The following violation may result in a suspension from school for up to two days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may also impose a suspension for up to ten days.

[Distributing](#) any non-prescription drug for the purpose of abuse.

d. Prescription Drugs

The [parent](#) must bring all medications to the school health room, with a form signed by a doctor for the administration of any prescription drug during the school day, or during school activities, so the medication can be safely stored and administered.

- The following violation may result in school-based disciplinary action.

[Possession](#) or use of the student's own: (i) prescription medication; or (ii) THC-A or cannabidiol oil, provided that written certification for use of such was issued by a licensed practitioner in accordance with the Code of Virginia.

- e. Any [Controlled Substance](#), including Prescription Drugs not Prescribed to the Student, and [Synthetic Marijuana](#), and [Imitation Controlled Substances](#) (collectively, Illegal Drugs), or [Drug Paraphernalia](#).

For violations related to illegal drugs or [drug paraphernalia](#), a student shall be referred to an FCPS [AOD](#) intervention program in lieu of, or in addition to, disciplinary action at the discretion of the [principal](#), unless a [referral to the Division Superintendent](#) is made. Where a referral to the Division Superintendent is made, an assignment to an [AOD](#) intervention program may be made in addition to the referral to the Division Superintendent.

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

- (a) Arriving on [school property](#) or to a school-sponsored activity under the influence of illegal or illegally used [controlled substance](#) (including, ecstasy, cocaine,

[synthetic marijuana](#), or any prescription drug not prescribed to the student), or for possessing or [distributing drug paraphernalia](#).

- i. The student shall serve a two-day in-school suspension. **For a second or subsequent violation, the principal may impose a suspension up to five days.**
  - ii. For high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
  - iii. For high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all [student activities](#) including teams, clubs, and all other school-sponsored activities for an additional 14-21 days.
- (b) For first time [possession](#) in an amount indicative of personal individual use for a single occasion; or use of: any prescription drug not prescribed to the student, or imitation drugs; or possession or distribution of [drug paraphernalia](#) shall result in the following actions (so long as such student has not engaged in other prohibited conduct for which a [referral to the Division Superintendent](#) is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension:
- i. The student shall serve a two-day in-school suspension.
  - ii. The student shall participate in the FCPS Alcohol and Other Drug ([AOD](#)) intervention program. (Failure to successfully complete the AOD intervention program shall result in an out-of-school suspension for **one three** day).
  - iii. The violation of this subsection shall also result in temporary removal for 21 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.

- iv. The [parent](#) is expected to complete an information session on the prevention of substance misuse.
- (2) The following violations shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.
  - (a) Second or subsequent [possession](#) or use of a prescription drug not prescribed to the student, or imitation drugs.
  - (b) [Possession](#) or use of illegal substances (including ecstasy, LSD, cocaine, [synthetic marijuana](#)).
  - (c) [Distributing](#), facilitating the distribution of, or manufacturing a [controlled substance](#) (including anabolic steroids, or prescription drugs, or [synthetic marijuana](#)), an [imitation controlled substance](#).
  - (d) Theft of a student's prescription drug. A report shall be made to the police in accordance with the Code of Virginia.

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 case, that special circumstances exist and that a disciplinary action other than expulsion is appropriate. A report shall be made to the police in accordance with the Code of Virginia.

- (3) If the student is suspected of being under the influence of illegal drugs or otherwise having violated the provisions of this subsection, the [principal](#) shall notify the [parent](#) of the suspicion and recommend that the parent pursue appropriate intervention. In addition, the principal may recommend that the student do at least one of the following:
  - (a) Voluntarily participate in an FCPS [AOD](#) intervention program.
  - (b) Voluntarily participate in a substance abuse assessment, at [parent](#) expense, with the Fairfax-Falls Church Community Services Board or private provider to determine the need for substance abuse treatment.

All illegal drug violations shall be reported to the police in accordance with the Code of Virginia.

#### 4. Property Violations

For violations involving property, a [restorative justice conference](#) may be used in lieu of, or in addition to, disciplinary action, at the discretion of the [principal](#).

The student or the student's [parent](#) 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 their studies ([Code of Virginia, Section 22.1-280.4](#)). The student, or parent, will be financially responsible for any loss or damage to School Board property resulting from the misconduct.

- a. The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a five-day suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.
- (1) Unauthorized presence on [school property](#) or failure to leave promptly after being told to do so by an FCPS staff member or a police officer.
  - (2) Theft or attempted theft of another person's property or money without the use of force or fear.
- b. The following violations may result in a suspension from school for up to five days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.
- (1) Theft or attempted theft of another person's property or money by the use of force or fear.
  - (2) Willfully causing or attempting to cause damage to, or theft of, any [school property](#).
  - (3) 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.
  - (4) Attempted theft of another person's prescription medication. A report shall be made to the police in accordance with the Code of Virginia where the attempted theft is of student medication(s).

## 5. [Weapons](#) Violations

Students are expected to report immediately to a school official whenever they observe or otherwise become aware of the presence of a weapon on [school property](#) or at a school-sponsored activity. Doing so serves to protect the well-being of other students as well as school officials and where the reporting student is the one who is in [possession](#) of the weapon, increases the likelihood of favorable consideration by the [principal](#), or a finding of special circumstances by the [Division Superintendent](#).

### a. [Possession](#) or Use of [Statutory](#) Weapon

- (1) [Possession](#) or use of a [statutory](#) weapon (as defined below) on [school property](#) or at a school-sponsored activity may result in a suspension for up to ten days and shall result in a [referral to the Division Superintendent](#) who will consider 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 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.
- (c) A pneumatic gun, as defined in [Section 15.2-915.4 of the Code of Virginia](#), including BB gun, paintball gun, or pellet gun.
- (d) 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.
- (e) A firearm muffler or firearm silencer.

(2) Special Circumstances

Notwithstanding the foregoing provisions, 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 case, that special circumstances exist and that another disciplinary action is appropriate. All [statutory weapons](#) violations shall be reported to the police in accordance with the Code of Virginia.

b. [Possession](#) or Use of Switchblades, Machetes, and Certain Other Knives

- (1) The following violations shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.

[Possession](#) or use of any machete, any switchblade knife (regardless of blade length), or any other knife with a blade length of three inches or more on [school property](#) or at a school-sponsored activity. Provided, however, that where a student is found (without having engaged in other prohibited conduct) for the first time to be in possession of a machete, switchblade knife, or other knife with a blade length of three or more inches with no indication that the student intended to use such weapon to threaten, intimidate, or harm another, there will be an expedited review of the written record.

- (a) In the event the [Division Superintendent](#) finds special circumstances on the written record, the student shall receive the following: a suspension of up to 10 days; probationary conditions; and a temporary removal for not more than 21 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations will result in a student being ineligible to participate in graduation ceremonies.
- (b) In the event the [Division Superintendent](#) does not find special circumstances on the written record, the Division Superintendent should hold a hearing to



determine what disciplinary action, if any, should be imposed, subject to any right the student may have under this regulation to appeal to the School Board.

(c) Use of Other Weapon

The following violation shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.

Unauthorized use of another weapon (as defined below) or any item used as a weapon to threaten, intimidate, or harm another.

c. [Possession](#) of Other [Weapons](#)

- The following violation may result in a suspension from school for up to five days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

[Possession](#) of any other weapon. As employed herein, the term “other weapon” shall mean any object of any nature (other than a [statutory](#) weapon or those described in Chapter II.A.5.b.) that can be used to threaten and/or harm another person. Examples of other [weapons](#) include but shall not be limited to: any knife of less than three inches (other than a switchblade knife), nunchaku, brass knuckles, spring stick, throwing star, stun weapon, taser, mace, pepper spray, ammunition, spring loaded pellet gun, razor blade, 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.

d. Law and Policy

This section implements the Gun-Free Schools Act (see [Section 22.1-277.07 of the Code of Virginia](#)), as well as FCPS’ own policy<sup>16</sup> which independently prohibits student [possession](#) or use of all [weapons](#), except where expressly authorized by school officials as part of the curriculum or of officially sanctioned activities.

B. Reporting to Police and the [Parent](#) of Victims of Certain Code Violations

**House Bill 4 is currently awaiting the Governor’s action to sign, veto, or amend. The timeline for action is due by April 11, 2022. If the bill is vetoed in its entirety the current language in the SR&R has been retained.**

1. Mandatory report. The [principal](#) shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents that may constitute a felony, as specified in subsections (ii)-(vii) of [Section 22.1-279.3:1\(A\) of the Code of Virginia](#): “(ii) the assault and battery that results in bodily injury, [sexual assault](#), death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in [§18.2-47](#) or [§18.2-48](#), or [stalking](#) of any person as described in [§18.2-60.3](#), on a school bus, on [school property](#), or at a school-sponsored activity; (iii) any conduct involving alcohol, [marijuana](#), a [controlled substance](#), [imitation controlled substance](#), or an anabolic

<sup>16</sup> FCPS’ own policy on weapons is authorized by the Code of Virginia, including [Section 22.1-277.07:1](#).

steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in §22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in §18.2-85, or explosive or incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses.”

In the event a principal is unable to determine whether an incident may constitute a felony, the principal shall consult with Division Counsel, or outside counsel designated by Division Counsel, prior to reporting an offense to the police in order to determine whether the incident may constitute a felony.

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

Material that is suspected of being marijuana or a controlled substance shall be turned over to the police department.

2. School resource officers' (SROs)<sup>17</sup> primary role in schools is as a law enforcement officer. It is recognized that marginalized communities and those that have experienced trauma may have concerns with law enforcement members being present in school environments. The partnership between Fairfax County Public Schools and the Fairfax County Police Department as outlined in the School and Law Enforcement Partnership is intended to foster relations of mutual respect and understanding in order to build a positive and safe school environment. SROs shall not become involved in routine school matters such as administrative actions or actions not directly related to the safety of the students and staff. The SRO shall refrain from functioning as a school disciplinarian and shall not intervene in school discipline matters. The discipline of students will remain the responsibility of the school faculty and administrators. At any time, the SRO may become involved when a school administrator has an immediate safety concern that cannot be addressed by the school's safety and security staff which the school administrator reasonably believes could lead to substantial harm to self or others. Examples of such concerning behaviors could include, but are not limited to: assault, interference with school processes that impede the safety of others, the need to disarm a student who has a weapon or the removal of a unknown substance.

When students are questioned by FCPS administrators for the purpose of student discipline, neither the SRO nor any other police officer shall be present unless FCPS administrators have an immediate safety concern in which the administrator reasonably believes could lead to substantial harm for self or others. In responding to incidents of students engaging in possible prohibited conduct which also involves criminal offenses, FCPS administrators will defer conducting interviews with students where directed to do so by the police until police interviews with students have been completed and the

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<sup>17</sup> For information only, the full SRO MOU can be found at <https://www.fcps.edu/node/36886>.

[principal](#) has confirmed that FCPS administrators may conduct interviews (including situations involving: imminent risk of harm, such as [weapons](#); a felony or violent misdemeanor; or where Virginia law requires immediate reporting to law enforcement).

3. The questioning of students by police officers, other than SROs, in school or on [school property](#) about alleged illegal activities shall meet the conditions as defined in the current version of [Regulation 2616, Questioning of Students by Police](#).
4. The [principal](#) shall also immediately notify the [parent](#) of any minor student who is the victim or intended victim of a reportable incident as provided in subsection 1 of this section B.

C. Disciplinary Procedures and Interventions; [Parent](#) Notification

1. Procedures in Determining Facts and Imposing Sanctions

The [principal](#) shall determine the appropriate disciplinary actions to be taken in each case of prohibited conduct, except when a [referral to the Division Superintendent](#) is required and may request the assistance of other appropriate staff members. Students and families need to be aware school staff has the right to question students in the interest of maintaining safe and secure school environments, and while school staff are not held to the same threshold as law-enforcement officials when obtaining information, the decision to provide a student response, whether verbal or written, to any such questions is voluntary. In disciplinary cases, all students have the right to due process and to fair procedures in determining facts and imposing sanctions.

- a. Students, including witnesses, may be asked to verbally explain what happened and invited to write their own version of what happened so each can record the information in their own words. Students will be informed that the written statement is voluntary. However, no student aged eight or younger shall be asked to write a statement.
- b. In the event that a school administrator has reason to believe that the student has committed an offense that would result in a [referral to the Division Superintendent](#), or that the student has committed a drug violation, the school administrator shall make reasonable efforts (e.g., phone, e-mail, text) to notify the student's [parent](#) as soon as possible, before questioning the student about the alleged offense, unless the school administrator believes that there is imminent danger to the student or others, or that there is a risk that evidence will be lost or destroyed. No school official shall ask the student to write or sign a statement about the offense until a [parent](#) has been notified. In the event that a school official errs and obtains a written or signed statement from the student before a parent has been notified, the written or signed statement shall not be provided to the Hearings Office or School Board. School administrators shall document parent notification efforts, including time, date, and method of notification via approved contact information located on record in the Student Information System (SIS). Nothing herein shall be interpreted as requiring a school administrator: (i) to obtain a parent's consent for questioning a student; (ii) to refrain from questioning a student until a parent acknowledges the notice which was provided, or (iii) to refrain from questioning a student without the parent being present, notwithstanding the parent's direction or preference regarding such.

- c. Except in [exigent](#) circumstances, school administrators shall make reasonable efforts to notify a student's [parent](#) prior to reporting a student's violation to the SRO, unless otherwise required by law. When [principals](#) are required by law to immediately report certain misconduct to police, school administrators shall comply with such [statutory](#) requirements and shall thereafter make reasonable efforts to immediately notify the student's parent. School administrators shall document reports to the SRO and parent notification efforts.
  - d. A [parent](#) seeking information about the hearings process should contact the [Division Superintendent](#).
  - e. The [principal](#) may impose a suspension of up to five days or make [a referral to the Division Superintendent](#) in any situation involving prohibited conduct when the principal believes such action is warranted. The principal shall monitor each case to ensure that an appropriate intervention and follow-up response have been made.
  - f. Notwithstanding other provisions of the SR&R, and subject to review and revocation at any time by the [principal](#), [Division Superintendent](#), or School Board, a principal has the discretion to permit a suspended student to attend school or any designated portion of the school program, subject to such restrictions and limitations as the principal directs, pending a final disciplinary decision by school division officials.
  - g. Notwithstanding the foregoing, nothing contained herein shall be construed to diminish the authority of the [principal](#): (i) to protect the health and safety of students and others in connection with the school, or any school-sponsored activity, or (ii) to ascertain the facts about any incident. The principal shall do so in a reasonable, good faith manner, and shall be accountable for respecting the rights and responsibilities of everyone in the school.
2. Interventions Without Suspension from School

With approval of the [principal](#) and concurrence of all involved students, students may be invited to participate in a [restorative justice conference](#) to resolve disputes or address student behavior. This does not preclude the possibility of disciplinary action for prohibited conduct.

FCPS promotes the use of positive behavioral approaches and school officials work diligently to help each student understand school rules and the impact of their behavior on others.

- a. The following are examples of authorized interventions:
  - (1) Re-teaching expected behavior with required practice
  - (2) Student-teacher conference and reflection on behavior
  - (3) Conference with [parent](#)
  - (4) [Parent](#) attends one day of school with student

- (5) Behavior contract
  - (6) Conflict resolution with school counselor
  - (7) Referral to school psychologist or school social worker
  - (8) Referral to an FCPS AOD intervention program
  - (9) Referral to a Behavior Intervention Services, Behavior Intervention teacher (BIT)
  - (10) Referral to community resources
- b. The following are examples of authorized disciplinary measures:
- (1) Admonition and counseling of the student in private concerning their responsibilities.
  - (2) After-school detention. Except in extreme cases, a student must be given advance notice of this action. The [parent](#) shall be notified when a student is assigned after-school detention.
  - (3) Suspension from all student privileges (including parking, senior privileges, all other student privileges, and [student activities](#), including teams, clubs, and all other school-sponsored activities) for a fixed period of time.
  - (4) 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](#) in which the terms and conditions of the probation are explained. The principal shall also notify the parent in writing when probation is imposed, including the reasons for the probation and its date of termination. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.
  - (5) 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:
    - (a) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
    - (b) 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.
    - (c) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.

- (d) Written notice of the student's behavior and removal from class is given to the [parent](#) by the teacher when the recommendation of the teacher is that the student should be removed for longer than one school day or from the same class on consecutive days.
- (6) Alternative instructional arrangement (AIA). The student may be removed from their regular schedule of classes and assigned to a program of study under supervision of a qualified staff member for a fixed period of time, less than one-half of the school day.
- (7) In-school suspension (ISS). The student may be removed from their regular schedule of classes and assigned to a program of study under the supervision of a qualified staff member for a fixed period of time, one-half or more school days.
- (8) The student assigned to AIA or ISS shall have the opportunity to receive full credit for work performed and the [principal](#) shall notify the [parent](#) in writing of the terms and duration of the arrangements.

Students who believe that decisions made by staff members are not in their best interest may present complaints to teachers, counselors, or school administrators.

### 3. Suspension of Students in Grades K-3

No student in kindergarten through third grade is to be suspended from school for more than three consecutive days or expelled for a violation, unless such student is determined to: (i) have possessed or used a [statutory](#) weapon [as defined in Chapter II.A.5.a]; (ii) have possessed or used illegal drugs [as defined in Chapter II.A.3.d]; (iii) be the subject of a Juvenile Court report to the school system for delinquency adjudication or a conviction of one or more criminal offenses as set forth in [Section 16.1-260\(G\) of the Code of Virginia](#); (iv) be involved in physical harm, or credible [threat](#) of physical harm, to another; or (v) have violated the SR&R with [aggravating circumstances](#), which are defined as: (i) misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or (ii) the student's presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or (iii) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. For a violation of subsection (i) or (ii), the [principal](#) shall make a [referral to the Division Superintendent](#) and may also impose a suspension from school for up to ten days. For a violation of subsection (iii) or (iv) where the principal chooses to make a referral to the Division Superintendent, the principal may also impose a suspension from school for up to ten days. For all other violations of the SR&R, the principal may impose a suspension from school for only up to three days, unless the Division Superintendent or [School Board](#) determines that there are [aggravating circumstances](#); the foregoing is applicable even where the principal chooses to make a referral to the Division Superintendent.

### 4. Suspension for Ten School Days or Less ([Short-Term Suspension](#))

- a. While the Code of VA allows suspension of up to ten school days, FCPS allows principals the discretion to suspend up to five school days. A referral to the Division Superintendent is required when consideration of suspension for more than five school days.
- b. The [principal](#) may suspend a student for ~~ten~~ **five** days or less after giving the student oral or written notice of the code of conduct violation, an explanation of the facts as known to school personnel if the student denies the violation, and an opportunity to present their version of what occurred.
- c. 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~~ **five** days. A [parent](#) conference with school officials may be required in connection with a student's readmission to school. A parent conference shall be required 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.
- d. 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](#) of the suspension, inform the parent 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, to the [parent](#) by the end of the school day when possible, but not later than the end of the next school day, by U.S. mail and, if possible, also by e-mail, informing them 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 2602](#)) and information regarding the availability of community-based education programs or other educational options
- e. The decision to suspend a student for ~~ten~~ **five** days or less (without either a [referral to the Division Superintendent](#) or a recommendation for reassignment) may be appealed to the [principal](#) by the student's [parent](#) or by the student if they are 18 years of age or older. Such an appeal must be made within two school days from the initial decision to suspend by submitting written notice of the appeal to the principal. This written notice must include the reasons the suspension should be reversed or otherwise modified.<sup>18</sup>

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<sup>18</sup> As such, any appeal of short-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

- (1) When notified of an appeal by the [parent](#), 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 suspension is pursuant to a [referral to the Division Superintendent](#), in which case, the student's suspension may be extended until the decision to long-term suspend, reassign, or to expel has been determined (subject to the [principal](#)'s discretion to permit a suspended student to attend school or any designated portion of the school program in accordance with Chapter II.C.1.f. "Disciplinary Procedures and Interventions").
- (2) If the [principal](#) upholds the decision to suspend and the [parent](#) wants to continue the appeal process, the parent shall within two [school](#) days notify the principal and the [Division Superintendent](#) 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](#), 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 at a mutually agreeable time for a hearing on the appeal or, failing that, shall notify the parent in writing at least two [business](#) 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 by a parent and additional adults 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 will be recorded by FCPS through stenographic, tape, or other means, and no other recordings are permitted. Upon request, students, a parent, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent may request that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the [Division Superintendent](#) for transcription as well as [redaction](#) of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the [parent](#), and a hearing may not be delayed on account of such a request.
- (4) Following an appeal, a hearing officer shall promptly notify the [parent](#) 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.

f. Emergency Temporary Removal

Any student whose presence poses a continuing danger to persons or property or an ongoing [threat](#) of disruption may be removed from school immediately and the notice, explanation of facts, and opportunity to present their version required under "Suspension for Ten Days or Less ([Short-Term Suspension](#))" shall be given as soon as practicable thereafter.

5. [Records Review](#)

A student who fails to maintain a satisfactory disciplinary record and for whom prior disciplinary consequences and/or interventions have been initiated may be the subject of a records review to be conducted by the regional assistant superintendent. The [parent](#) and student will be afforded the opportunity to participate in a meeting to review the student's disciplinary record, school-based interventions to date, and other relevant information. As a result of the review, the RAS may propose additional interventions to include probationary conditions and voluntary enrollment in an appropriate, alternative educational setting. Students in grades K-6 will not be referred to the [Division Superintendent](#) unless they have first been the subject of a records review, except where the referral is required under this regulation or where the student's presence in their current school endangers the well-being of others.

6. Referrals to Alternative Educational Programs

A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative educational program on a voluntary basis. The [principal](#) will submit a Nontraditional School Programs Elective Placement Referral Form (SS/SE-227) with all required attachments to the senior administrator of Nontraditional School Programs 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 procedural support liaisons can request participation of alternative school representatives during an individualized educational program (IEP) meeting to determine the appropriate placement. Further details about the various program options can be found at <https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program>.

7. Suspension for 11 to 45 School Days Unless Certain Misconduct Has Occurred ([Long-Term Suspension](#))<sup>19</sup>

Where a [referral to the Division Superintendent](#) is made, 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](#) 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 is also

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<sup>19</sup> See Definition of Long-Term Suspension in Glossary of [Regulation 2601](#)

referred to the Division Superintendent, the student may not attend school or be on any [school property](#) while the student's appeal is pending, except as specifically permitted (i) by the Division Superintendent or the [School Board](#), or (ii) by the principal who has the discretion to authorize a student to be on school property to attend school, a designated portion of the school program, or an [AOD](#) intervention program.

- a. When the [Division Superintendent](#) receives a request for a hearing, the hearing shall be promptly scheduled with the [parent](#) at a mutually agreeable time or, failing that, the Division Superintendent shall notify the parent in writing at least two **[business](#)** 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 by a parent and additional adults who may be legal counsel, a member of the clergy, a social worker, etc. The hearing will be recorded by FCPS through stenographic, tape, or other means and no other recordings are permitted. Upon request, students, a parent, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent may request that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the Division Superintendent for transcription, as well as [redaction](#) of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the parent, and a hearing may not be delayed on account of such a request.
- b. When a student is the subject of a [referral to the Division Superintendent](#), the Division Superintendent will consider all possible sanctions in the same hearing (to include [long-term suspension](#), reassignment, and/or [expulsion](#)).<sup>20</sup>
- c. At the conclusion of the [Division Superintendent's](#) hearing on the referral, and subject to the Division Superintendent's final written decision, the issue of the student's possible return to their current classes (beginning on the next school day) will be considered by the Division Superintendent in consultation with the school [principal](#). The student's return shall be allowed unless the Division Superintendent concludes that doing so would endanger the well-being of others, or if there is a victim or victims at the school, such as in cases of assault or sexual harassment.
- d. Parental acknowledgement of any right to appeal shall be indicated through a signature on a separate page or electronic notification attached to the decision letter explicitly stating the acknowledgement of this right, and to be in the preferred language of the [parent](#). In the event the student's parent subsequently appeal the [Division Superintendent's](#) final written decision to the [School Board](#), the appeal may include a request for the student to attend classes and the reasons the parent believe the student would not endanger the well-being of others, unless there is a victim or victims at the school, such as in cases of assault or sexual harassment. An ad hoc three-member committee of the School Board may, following a review of the record then on file, allow the student to return to classes pending the final decision of the School Board on the appeal.

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<sup>20</sup> As such, any appeal of ~~short~~ **long**-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

- e. Following the hearing, the [Division Superintendent](#) shall promptly notify the [parent](#) and the [principal](#) of the decision and the basis for the decision, noting the parent'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, Procedures for Hearings and Appeals to School Board](#).
  - f. If the decision to extend the suspension is in conjunction with the Division Superintendent's decision for reassignment or [expulsion](#), an appeal on the extension will be considered by the [School Board](#) as part of the reassignment or expulsion proceeding.
8. [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 [referral to the Division Superintendent](#), the [parent](#), and the student. When the principal makes a referral to the Division Superintendent, the principal may choose to recommend specific disciplinary actions, including expulsion. No inference is to be drawn from the absence of a principal's recommendation. As a part of the referral, the Division Superintendent may consider forwarding a recommendation for expulsion to the School Board whether or not such has been expressly recommended by the principal. The principal shall offer to meet with the student and parent prior to a hearing to explain the hearings process and to discuss the facts leading to the referral. The parent also is entitled to receive a redacted copy of the discipline packet that the school submitted in support of the referral, upon notice to the Division Superintendent. The hearing procedure is as follows:

- a. The [Division Superintendent](#) shall promptly schedule a hearing on the referral at a mutually agreeable time or, failing that, shall notify the [parent](#) in writing at least two **business** 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 [referral to the Division Superintendent](#), the Division Superintendent will consider all possible sanctions in the same hearing (to include [short-term suspension](#), [long-term suspension](#), reassignment, and/or expulsion).
- c. No [expulsion](#) recommendation is binding on the [Division Superintendent](#), who may implement alternative disciplinary sanctions or determine that no discipline is warranted.
- d. If the [Division Superintendent](#) decides to recommend [expulsion](#), they shall notify the clerk of the [School Board](#) and shall inform the student and the [parent](#) of such and shall send them a copy of the current version of [Policy 2611](#). The Division Superintendent also may offer the parent a [letter of agreement](#) which, if agreed to

and signed by the parent and thereafter accepted by a School Board committee, would conclude the case without a further hearing.

- e. The [School Board](#) or a designated committee shall make a determination on the recommendation in accordance with the current version of [Policy 2611](#).

9. Educational Placements During Appeal

For those cases in which a decision by the [School Board](#) is pending, the student is expected to enroll in and attend the educational program designated by the [Division Superintendent](#) during the pendency of the proceeding. As an alternative, the student may continue to receive out-of-school support assigned by the Office of School Improvement and Supports to assist in completion of tests and assignments.

10. 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 their [parent](#) 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 FCPS 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.

11. Reassignment to an Alternative Program

The [Division Superintendent](#) may require any student who (i) has been charged with an offense relating to Virginia's laws on [weapons](#), alcohol, [marijuana](#), 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.

- a. 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 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.

b. Hearing Procedures for Reassignments

The student and [parent](#) 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 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. Following the hearing, the Division Superintendent shall promptly notify the parent and the [principal](#) of the decision and the basis for the decision, noting the parent'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](#).

12. 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](#).

13. 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.

14. 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 [Division Superintendent](#) no earlier than eight months, but not later than ten months, after the date of expulsion. The Division Superintendent 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.

#### 15. Other Disciplinary Consequences

A student who engages in prohibited conduct may be subject to ongoing consequences, even after the student returns to school attendance following suspension or [expulsion](#). Such consequences include, but are not limited to, reassignment to a different regular school or to an alternative educational program, 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. Students, who have been found to be involved with illegal drugs, alcohol, [marijuana](#), and/or the illegal use of [controlled substances](#), and who thereafter have been assigned to a Fairfax County school or educational program where other students are in attendance, may be required to submit to school officials: (i) a then-current, negative drug screen report from a qualified independent laboratory and (ii) satisfactory evidence of participation in a substance abuse treatment or educational intervention program as recommended by Community Services Board or another qualified professional. In lieu of a negative drug screen, school officials may accept satisfactory evidence that the student has enrolled and is participating in the recommended substance abuse treatment or educational intervention program.

Where a student successfully completes an intervention seminar in lieu of a disciplinary sanction, the student's disciplinary record shall contain the violation as well as note the student's completion of the intervention seminar; and, in such an event, no suspension shall be recorded.

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. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.

#### D. Guidance for the [Parent](#) of Students with Disabilities Regarding Virginia Department of Education (VDOE) Regulations Related to Discipline

FCPS looks at every student and their unique needs and ~~wants to work~~ **is committed to working** collaboratively with each family to support their child's needs. For students with special education services, the IEP team (to include the parent) requires that each child's unique needs are reviewed and considered during the IEP process. For a student with a disability under 504 of the Rehabilitation Act of 1973, refer to Chapter II, D., 8. Protections for Students Covered by Section 504 Plan.

1. Prevention of Disciplinary Incidents

When a student's behavior impedes their learning or that of others, or if there appears to be a pattern of misconduct leading to suspension, the IEP team, which includes the [parent](#), shall prioritize the use of positive behavioral interventions, strategies and supports, and take one or both of the following actions:

- a. Develop IEP goals and services specific to the child's behavioral needs.
- b. Conduct an FBA and develop a BIP to address the child's behavioral needs.

2. [Short-Term Suspensions](#) (Less than Ten School Days)

Students with disabilities may be disciplined in the same manner as non-disabled peers for up to ten consecutive or cumulative school days in the same school year.

3. [Long-Term Suspension](#) (More than Ten School Days)

If a student with disabilities is recommended for a suspension of more than ten consecutive or cumulative school days in a school year, the school shall conduct an MDR and provide services to enable the student to participate in the general education curriculum and progress toward meeting the goals of their IEP. The MDR team meeting shall convene as soon as reasonably possible, but no later than the tenth day of suspension. On the same date on which FCPS decides to long-term suspend a student with a disability because of a violation of the code of conduct, FCPS shall notify the [parent](#) and provide them a copy of the procedural safeguards.

4. [Parent](#) Notification

When a disciplinary incident involving a student with an intellectual or developmental disability may result in a suspension of any kind, school staff shall not request a verbal or written statement from the student until a parent has been provided notice. School administrators shall make reasonable efforts to contact the student's parent and document those efforts.

5. Consultation with the Student's IEP Team

Prior to making a decision to suspend or refer to the [Division Superintendent](#) a student with a disability, the [principal](#) of the school (or the principal's designee) shall consult with the student's case manager or another key member of the IEP team if the case manager is not available, review the student's IEP—including any BIP—and take into consideration any special circumstances regarding the student.

If any written statement concerning a disciplinary incident is requested of a student with a disability, school staff shall consult with the student's case manager or another key member of the IEP team if the case manager is not available, review the IEP or 504 plan, and ensure all necessary accommodations are provided to the student.

If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene an IEP meeting to determine whether additional goals or services are needed to address the student's behavioral needs and where necessary conduct a functional behavior assessment and develop a behavior intervention plan.

~~When a student with an IEP is to be reassigned for disciplinary reasons, the IEP team will consider the parent's views and any preference for the reassignment location, if they have one, along with any location proposed by FCPS staff at the meeting. Because the educational placement of a student with a disability is not to be predetermined, it is the duty of the IEP team at its meeting to discuss, propose, and decide upon the educational placement, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members at the meeting.~~

**When a student with an IEP is to be reassigned for disciplinary reasons, in which the reassignment would result in a change of placement, the IEP team will convene to determine an appropriate educational setting. Because the least restrictive environment (LRE) of a student with a disability is not to be predetermined, it is the duty of the IEP team to discuss, propose, and decide upon the LRE, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members of the meeting.**

#### 6. Manifestation Determination Reviews (MDR)

In conducting an MDR, the school shall follow the procedures below:

- a. Relevant members of the student's IEP team—as determined by the [parent](#) and school—shall comprise the MDR team.
- b. The MDR team shall determine that the misconduct was a manifestation of the student's disability (causality) if either of the following two conditions is met:
  - (1) The conduct was caused by, or had a direct and substantial relationship to, the student's disability, or
  - (2) The conduct was a direct result of the failure of FCPS to implement the IEP.
- c. In making a determination of causality, the MDR team shall consider all relevant information in the student's file and other factors including the student's IEP, placement, school evaluations, observations, and information supplied by the [parent](#) or school officials.
- d. The MDR decision and written rationale shall be made available to the appropriate hearing officer prior to any Hearings Office proceedings.



- e. If the MDR team determines the misconduct was a manifestation of the student's disability:
    - (1) In the event that the misconduct did not involve serious harm to a victim or threat of serious harm to a prospective victim, the principal shall withdraw the referral to the Division Superintendent;
    - (2) In the event that the misconduct involves serious harm to a victim or threat of serious harm to a prospective victim, the referral to the Division Superintendent will remain in effect so that suitable safety measures and protective measures may be considered. The student shall be returned to the same educational placement from which they were removed, which may be at the same or an equivalent location, unless:
      - (a) The parent and school officials agree to a change in placement; or
      - (b) Where applicable, the student is assigned by the Division Superintendent to an interim alternative educational setting for 45 school days for certain offenses relating to illegal drugs controlled substances, weapons, or serious bodily injury, in accordance with Virginia Administrative Code, 8VAC20-81-160, Section C.5.
      - (c) The school division institutes expedited special education due process proceedings to change the student's placement, in a situation where maintaining the current placement is substantially likely to result in injury to the student or others, in accordance with Virginia Administrative Code 8 VAC 20-81-160, Section E.2.
    - (3) The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted or update the FBA if one already exists. Based on the information in the FBA, the IEP team shall develop or update a BIP.
  - f. If the MDR team determines the misconduct is not a manifestation of the student's disability, further discipline may be considered by school officials in the same manner and for the same duration as for non-disabled students. However, special education services must be provided during the period of suspension and/or expulsion so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting their IEP goals.
  - g. If the parent does not agree to a change in special education placement or with the outcome of the MDR, they have the opportunity to request a local administrative review within FCPS. The parent may also request an expedited due process hearing through the Virginia Department of Education according to the procedures outlined in the VDOE Special Education Procedural Safeguards Requirements (<https://www.fcps.edu/sites/default/files/media/forms/se4.pdf>).
7. Protections for Students Not Currently Eligible for Special Education

A student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated the code of student conduct,

may assert the protections for students eligible for special education prescribed by Virginia special education regulations if the school had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge that a student is a student with a disability—unless the [parent](#) did not consent to an evaluation, has refused services, or the student has been evaluated and determined not to be a student with a disability—under the following circumstances:

- a. The [parent](#) expressed concern, in writing, to supervisory or administrative personnel or the student’s teacher that the student is in need of special education and related services.
  - b. The [parent](#) has requested an evaluation of the student to be determined eligible for special education and related services.
  - c. The teacher of the student or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education department chair or their supervisor within FCPS.
8. Protections for Students with Disabilities Covered by Section 504 Plans
- a. When a [principal](#) recommends a suspension of more than ten school days, initiates a suspension that would accumulate to more than ten school days in a school year, or refers to the [Division Superintendent](#) a student with a disability who has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, the school shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend reassignment or [expulsion](#). The [parent](#) may request additional staff or persons attend the meeting other than those identified by school staff.
  - b. The knowledgeable committee shall convene a Causality Hearing to determine whether or not the misconduct has a causal relationship to the student’s disability.  
  
A committee is not required to convene in those situations pertaining to the use or [possession](#) of illegal drugs, alcohol, or [marijuana](#) where the student currently is engaging in the use of illegal drugs, alcohol, or marijuana.
  - c. 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.
  - d. 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.
  - e. If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene the knowledgeable committee to review the 504 Plan to determine whether additional accommodations or other supports are needed to address the student’s behavior and where necessary conduct a functional behavior assessment or develop a behavior plan.

- f. The student shall not be entitled to receive continuing educational services during any period of suspension or [expulsion](#).
- g. The knowledgeable committee's determination shall be forwarded to the [Division Superintendent](#), who reviews this information in consideration of further disciplinary action.

### Glossary

Abstain	To choose not to do or have something, especially something you like or enjoy, because it is bad for your health or morally wrong.
Aggravating Circumstances	As defined by the Virginia Department of Education, such includes; (i) misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or (ii) the student's presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or (iii) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. The Code of Virginia requires that the above also includes consideration of the student's disciplinary history.
Alcohol and Other Drug (AOD) Intervention	An intervention provided by a Substance Abuse Prevention specialist who provides a substance abuse screener and psycho-education. This education includes up to date facts about the potential impact of drug and alcohol use, as well as, open discussions about the choices that lead to substance use, the impact these choices can have on students, friends, and other members of the family, options for responding to peer pressure, and strategies to quit the use of substances. A handoff to community providers, who can provide additional supports and treatment options is made available for those with a moderate to high risk for substance abuse.
<b><u>Assault</u></b>	<b><u>An act, criminal or tortious, that threatens physical harm to a person, whether or not actual harm is done</u></b>
Bona fide	Genuine. Real. In good faith.
Bullying	Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.
Controlled Substances	Drugs or substances found in the Drug Control Act ( <a href="#">54.1-3400 of the Code of Virginia</a> ), including all prescription drugs, regardless of whether the drug is considered to be a

controlled substance under federal law. For student disciplinary purposes, controlled substances include but are not limited to cocaine, hallucinogens such as MDMA (ecstasy), and the actual and any generic formulations of: Adderall, Codeine, Oxycontin, Percocet, Ritalin, Valium, Vicodin, Zoloft, and any other prescription drugs for pain, depression, hyperactivity, or attention deficit disorders.

**Cyberbullying**

**Any threats by one student toward another through electronic means, typically through e-mail or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages, intended to harm others is a form of bullying. Cyberbullying includes such things as sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person without consent; pretending to be someone else in order to make that person look bad; and defamatory online personal polling websites.**

Day	Means a school day unless the context requires otherwise.
Deadnaming	When someone, intentionally or not, refers to a person who is transgender or gender-expansive by a name other than their own chosen name.
Discrimination	Denying a person the benefit of any education program activity on the basis of race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical condition, marital status, veteran status, and disability violation of applicable law.
Discriminatory Harassment	Verbal, electronic, or physical action that denigrates or shows hostility toward an individual because of their age, race, color, religion, national origin, marital status, disability, or any other legally protected class. Such harassment may create an intimidating, hostile, or offensive student environment.
Distributing or Distribution	Includes, without limitation, giving, sharing, or selling, or intending or attempting to do so, as well as facilitating any of the above.
Division Superintendent	The Division Superintendent or assigned designee (that is, regional assistant superintendent, hearing officer, or assistant superintendent or any other administrative staff member authorized to act in that capacity).

Drug Paraphernalia	All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. ( <a href="#">Code of Virginia, Section 18.2-265.1</a> )
Exigent	Requiring immediate attention or action.
Expulsion	Any disciplinary action imposed by a school board or a committee thereof, as provided in school policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.
Gang	A group of two or more persons, whether formal or informal, and however identified, which individually or collectively engage in activities that are illegal, destructive, disruptive, or intimidating. Such does include, but is not limited to, a criminal street gang. The group may, but need not necessarily, have an identifiable name, sign, symbol, or colors.
Hate Speech	Any form of expression intended to humiliate or incite hatred against a group or class of persons based upon their actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability.
Hazing	Recklessly or intentionally endangering the health or safety of a student or inflicting bodily injury on a 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 so endangered or injured participated voluntarily in the relevant activity. The Code of Virginia prohibits hazing and imposes criminal penalties. ( <a href="#">Code of Virginia, Section 18.2-56</a> )
Imitation Controlled Substance	A drug or substance in which the substance or container bears the name, markings, or likeness to, or is represented to be, a controlled substance (including a prescription drug).
Imitation Marijuana	A substance which bears a likeness to or is represented to be marijuana.

Inhalant	Any substance that gives off vapors or fumes and that is inhaled for a high.
Letter of Agreement	A written agreement which may be offered by the Division Superintendent's hearing officer to a student whom the hearing officer is recommending for expulsion. If the agreement is signed by the student's <a href="#">parent</a> and accepted by a School Board committee, the student is assigned to an alternative education program during the term of the expulsion, and the student's case is concluded without a further hearing.
Lewd	Showing or intended to incite in an offensive way.
Libel	Any false and harmful written or printed statement designed to expose a person to public ridicule or hatred and would injure a person's reputation in any way; anything that gives an unflattering or damaging picture of someone.
Libelous	Writing or publishing libel.
Long-Term Suspension	Disciplinary action that denies school attendance for 11-45 school days, unless misconduct involves: (i) possession or use of a statutory weapon [as defined in chapter II.A.5.a.] or illegal drugs [as defined in chapter II.A.3.d.]; (ii) serious bodily injury, or (iii) aggravating circumstances. Where a determination of (i), (ii), or (iii) is made, the long-term suspension may extend beyond 45 school days, but shall not exceed 364 calendar days.
Marijuana	Any part of the cannabis plant, whether growing or not, its seeds, resin or residue, or any extract and any of its various forms, other than THC-A oil or cannabidiol oil provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.
Marijuana, synthetic	A substance which is a controlled substance. On occasion, this substance is referred to as "Spice; K-2; or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances which bears a likeness to, or is represented to be, cannabimimetic agents or synthetic marijuana.
Meditate	To think deeply and continuously; reflect.
Misgendering	The act of labelling others with a gender that does not match their gender identity-deliberately or accidentally.
Nonprescription (Over-the-Counter Drug)	Any drug that can be obtained legally without a doctor's prescription.

Obscene	Words or pictures that are offensive, rude, shocking.
Outing	The act of disclosing an LGBTQIA+ person's sexual orientation or gender identity without the person's consent.
Parent	"Parent" means any parent, guardian, legal custodian, or other person having control or charge of a child.
Plagiarize	To steal and pass off the ideas or words of another as one's own; use without crediting the source.
Possession	The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.
Prescription Drug	Any medication that requires a doctor's prescription.
Principal	The principal, any assistant principal, or, in their absence, the designated teacher in charge.
Privacy	Keeping information about a person that can be used to identify the person because it is unique (e.g., full name, address, etc.) out of the public domain.
Profanity	The use of swear words.
Recitation	The act or an instance of reading or repeating aloud.
Records review	A meeting conducted by the regional assistant superintendent at the request of the principal, to which the parent and student are invited to participate, for the purpose of reviewing the student's disciplinary record and interventions to date in order to further address the student's conduct issues.
Redaction	The act of selecting or adapting (as by obscuring or removing sensitive information) for publication or release.
Referral to the Division Superintendent	Referral to the Division Superintendent means a decision which is made by the principal in order for there to be consideration of student disciplinary action greater than a <a href="#">short-term suspension</a> . Where the principal makes such a referral, the Division Superintendent will conduct a hearing to determine based on the facts whether additional disciplinary consequences (to include one or more of the following: a <a href="#">long-term suspension</a> , a reassignment, or a recommendation to the School Board for expulsion) are appropriate in accordance with this SR&R. In conducting this hearing, the Division Superintendent also will determine whether the short-term suspension imposed by the principal is warranted.



When making a referral to the Division Superintendent, the principal may choose to recommend a specific disciplinary action, provided, however, that whether or not the principal recommends a specific disciplinary action, the Division Superintendent has authority to take one or more of the following actions in accordance with the SR&R: determine that no disciplinary action is warranted, confirm a short-term suspension, impose a long-term suspension, effect a reassignment, and forward a recommendation to the School Board for expulsion.

Restorative Justice Conference

A restorative justice conference brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed, and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.

School Board

The Fairfax County School Board or a designated committee thereof.

School Day

Any day school is in session.

School Property

Any property owned, leased, or used by the School Board, including any vehicle operated by or on behalf of the School Board, such as school buses, cars, and vans.

School Resource Officer (SRO)

A certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement and security services to FCPS schools. Pursuant to the Code of Virginia, an SRO is to help (i) ensure safety and (ii) prevent truancy and violence in the schools.

Sexual Misconduct

Misconduct that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature but that is not within the scope of "sexual harassment" as defined by [Regulation 2118](#).

Short-Term Suspension

Disciplinary action that denies school attendance for a period not to exceed ten days.

Slander

The utterance of false charges or misrepresentation in the presence of another person which defame and damage another's reputation.

Slanderous

To utter slander against.

Statutory	Fixed by law.
Stigmatize	To characterize or mark as disgraceful.
Stigmatization	The act of being stigmatized.
Student Activities	These include extracurricular activities, co-curricular requirements, and athletics. Students participating in athletics, performing arts, clubs, competitions, practices, and any other activity that provides opportunities for participation outside of normal school hours, in addition to any student who is a spectator or audience members at a school sponsored activity are included in this definition.
Substantial Disruption	Includes any incident that generates a considerable negative impact on normal school operations, or results in a significant impact to students, the parent, and/or staff, such as using prohibited substances in a large group setting at school; requiring a response that disrupts school operations such as the need for emergency medical services; or creating a situation where the parent is compelled to keep their children out of school, or where groups of students are unable to focus on learning due to a specific incident.
Threat	An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.
Title IX Definitions	Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:  <ol style="list-style-type: none"><li>1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; or</li><li>2. Dating violence, domestic violence, <a href="#">sexual assault</a>, or <a href="#">stalking</a> (see below)</li></ol>
Dating violence	Violence committed by a student—  <ol style="list-style-type: none"><li>A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and</li></ol>

B. where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the students involved in the relationship.

Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault

- A. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- B. Rape; carnal knowledge of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- C. Sodomy; oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- D. [Sexual Assault](#) With An Object; use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

- E. Fondling; the intentional touch of the private body parts (groin, breast, buttocks) under the clothing of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of age, or due to temporary or permanent mental or physical incapacity;
- F. Incest; non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- G. Statutory rape; non-forcible sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- 1. fear for their safety or the safety of others; or
- 2. suffer substantial emotional distress.

Vulgar

Lack of culture, refinement, taste. Coarse or crude.

Weapon

Any item so defined in the text of this regulation. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

Legal Reference: Code of Virginia, Sections [2.2-3900](#), [4.1-1100](#), [9.1-110](#), [15.2-915.4](#), [16.1-260](#), [16.1-301](#), [16.1-305.1](#), [18.2-56](#), [18.2-60.3](#), [18.2-83](#), [18.2-85](#), [18.2-87.1](#), [18.2-265.1](#), [18.2-308.1](#), [18.2-371.2](#), [18.2-372](#), [18.2-390](#), [18.2-391](#), [18.2-433.1](#), [22.1-1](#), [22.1-78](#), [22.1-254](#), [22.1-254.1](#), [22.1-258](#), [22.1-276.2](#), [22.1-277](#), [22.1-277.06](#), [22.1-277.07](#), [22.1-277.07:1](#), [22.1-279.3](#), [22.1-279.3:1](#), [22.1-279.6](#), [22.1-280.4](#), [54.1-3400](#), [54.1-3408.3](#)

Virginia Administrative Code, [8VAC20-81-160](#)

See also the current versions of:

[Policy 1352](#)

[Pledge of Allegiance to the Flag](#)

[Policy 1365](#)

[Distribution of Materials](#)

[Policy 1450](#)

[Nondiscrimination](#)

[Policy 2601](#)

[Rights and Responsibilities of Students](#)

<a href="#"><u>Policy 2611</u></a>	<a href="#"><u>Procedures for Hearings and Appeals to School Board</u></a>
<a href="#"><u>Policy 2613</u></a>	<a href="#"><u>Student Dress Code</u></a>
<a href="#"><u>Policy 2701</u></a>	<a href="#"><u>Student Personal Data</u></a>
<a href="#"><u>Regulation 1367</u></a>	<a href="#"><u>Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions</u></a>
<a href="#"><u>Regulation 2102</u></a>	<a href="#"><u>First Aid, Emergency Treatment, and Administration of Medications for Students</u></a>
<a href="#"><u>Regulation 2111</u></a>	<a href="#"><u>Procedures for Conducting a Threat Assessment</u></a>
<a href="#"><u>Regulation 2118</u></a>	<a href="#"><u>Title IX: Sexual Harassment by Students</u></a>
<a href="#"><u>Regulation 2150</u></a>	<a href="#"><u>Prevention of Alcohol and Other Drug Use by Students</u></a>
<a href="#"><u>Regulation 2152</u></a>	<a href="#"><u>Tobacco and Smoking Device Violations by Students</u></a>
<a href="#"><u>Regulation 2234</u></a>	<a href="#"><u>Student Absences and Attendance Regulations</u></a>
<a href="#"><u>Regulation 2602</u></a>	<a href="#"><u>Rules of Conduct and Disciplinary Procedures</u></a>
<a href="#"><u>Regulation 2603</u></a>	<a href="#"><u>Gender-Expansive and Transgender Students</u></a>
<a href="#"><u>Regulation 2604</u></a>	<a href="#"><u>Rights of Adult Students</u></a>
<a href="#"><u>Regulation 2606</u></a>	<a href="#"><u>Teacher Removal of Students From Classes</u></a>
<a href="#"><u>Regulation 2612</u></a>	<a href="#"><u>Regulations and Procedures Governing Freedom of Expression by Students</u></a>
<a href="#"><u>Regulation 2613</u></a>	<a href="#"><u>Student Dress Code</u></a>
<a href="#"><u>Regulation 2616</u></a>	<a href="#"><u>Questioning of Students by Police</u></a>
<a href="#"><u>Regulation 2701</u></a>	<a href="#"><u>Student Personal Data</u></a>
<a href="#"><u>Regulation 4411</u></a>	<a href="#"><u>Procedures for Responding to Student Threat or Physical Assault Against a Fairfax County Public Schools (FCPS) Employee</u></a>

<a href="#"><u>Regulation 4952</u></a>	<a href="#"><u>Investigation of Complaints of Discrimination or Harassment Based on Race, Sex, Color, Religion, National Origin, Age, or Disability</u></a>
<a href="#"><u>Regulation 5810</u></a>	<a href="#"><u>School Activity Funds Management</u></a>
<a href="#"><u>Regulation 6410</u></a>	<a href="#"><u>Appropriate Use of Fairfax County Public Schools' Network and Internet Resources</u></a>
<a href="#"><u>Regulation 8617</u></a>	<a href="#"><u>Student Transportation—Eligibility, Routes, and Schedules</u></a>
Websites	<a href="https://www.fcps.edu/about-fcps/policies-regulations-and-notices"><u>https://www.fcps.edu/about-fcps/policies-regulations-and-notices</u></a>  <a href="https://www.fcps.edu/node/36886"><u>https://www.fcps.edu/node/36886</u></a>  <a href="https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program"><u>https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program</u></a>  <a href="https://www.fcps.edu/sites/default/files/media/forms/se4.pdf"><u>https://www.fcps.edu/sites/default/files/media/forms/se4.pdf</u></a>
Forms	SS/SE-227, Nontraditional School Programs Elective Placement Referral Form