

MIDDLESEX COUNTY PUBLIC SCHOOLS

STUDENT CODE OF CONDUCT

**ADOPTED BY THE SCHOOL BOARD
JULY 18, 2011**

INTRODUCTION

The document entitled *Standards of Student Conduct* is designed to define the basic rules and major expectations of students in the public schools of Middlesex County. It is the responsibility of the Middlesex County School Board to adopt policy and of the administration to issue regulations establishing rules of conduct for student behavior in order to protect the health, safety, and welfare of its students. This document aligns with the Student Conduct Policy Guidelines 2004 as adopted by the Virginia Board of Education on September 22, 2004 (updated in 2005, 2006, 2008 and 2009) and Middlesex County Public Schools School Board Policy JFC-R.

The following pages are your annual notification of the MCPS *Standards of Student Conduct*. Each year, the Superintendent will issue a new copy of these *Standards of Student Conduct* and a list of possible corrective actions for violation of the Standards of Conduct. The *Standards of Student Conduct* shall be sent to all parents/guardians within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's/guardian's signature acknowledging the receipt of the *Standards of Student Conduct* is included in the back of the booklet and must be returned to the school immediately. The statement shall also acknowledge the receipt of state law concerning parental assistance in maintaining discipline and order. Parents/guardians shall be notified that by signing the statement of receipt, parent/guardians are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements. The school principal may request the student's parent/guardian if both have legal custody to meet the principal or his/her designee to review the School Board's *Standards of Student Conduct* and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

Purpose and Intent

The development, implementation, and enforcement of the student conduct policy is intended to ensure a safe, non-disruptive environment for effective teaching and learning. Standards of student conduct are designed to protect the health, safety and welfare of students.

It is the belief of the Middlesex County School Board that all students have the right to an environment that is safe, drug-free, and conducive to learning. To that end, the student conduct policy sets forth standards for student conduct.

The primary objectives of the standards of student conduct are (1) to provide standards and guidelines for student behavior; (2) to assist the student in becoming a responsible, productive, and self-disciplined citizen; and (3) to maintain a safe and orderly environment in the classroom and all other areas of the school.

Roles and Responsibilities

School board members, school personnel, parents/guardians, and students share the responsibility to create and maintain a school environment that is safe and conducive to learning. It is the responsibility of the School Board to adopt policies and regulations. The Superintendent has responsibility to issue standards of student conduct including a list of corrective disciplinary actions for violation of the standards. The school principal has the responsibility to enforce the student conduct standards using reasonable judgment. Each parent/guardian has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance. Students are expected to attend school regularly and to demonstrate good citizenship, enjoying the rights and fulfilling responsibilities set forth in the student conduct standards.

Removal of a Student from Class

Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:

- 1) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
- 2) The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
- 3) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.

- 4) Written notice of the student's behavior and removal from class is given to the parent/guardian by the teacher/administrator.

Procedures for Student Suspensions and Expulsions

When a student is sent to the principal or designee for any disciplinary action or conference concerning an incident, the steps below must be followed. These guidelines for disciplinary action constitute a hearing for the student and represent the due process procedures that are required.

The Principal or designee:

- 1) Advises the student of the charge(s).
- 2) Advises the student of the facts on which the charge(s) are based.
- 3) Gives the student an opportunity to respond to the charge(s) and to provide his/her version. The student is asked to give a written or verbal statement concerning the incident.
- 4) Provides written verification of the proposed disciplinary action (including a written statement of appeal procedures) to the parent.
- 5) Makes every effort to notify the student's parent by telephone, if action is going to be taken immediately to suspend the student.
- 6) Provides written notification of the action to the Superintendent within 24 hours of the incident.

Students whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be removed from school immediately. The notice of charges, explanation of facts and opportunity to present his/her version of what occurred, shall be provided as soon as practical.

Suspensions for (10) Days or Less

The Code of Virginia gives the principal or designee the authority to make a determination, based on an investigation, that a student has violated a rule that may require a suspension of 10 days or less. If a parent desires to appeal a suspension of 10 days or less, the appeal process begins in the school with the suspending administrator.

Written Request for Appeal

1. If the student is suspended by a principal's designee, the appeal is to the building principal. The parent/guardian must request in writing a review of the suspension decision within three (3) school days (the beginning suspension day begins the appeal counting) or the decision becomes final.
2. The principal will review the incident and within three (3) school days after receipt of the written request, report the decision in writing to the parent.

Review by Superintendent

If the parent requests an appeal of the principal's decision to suspend a student, the written request must be submitted within (3) school days of the principal's decision or the decision becomes final. A letter of appeal may be filed with the Superintendent within three days of the principal's notice to the parent.

1. Within three (3) school days after receipt of the notice of appeal, the Superintendent will review the actions taken by the principal/designee, and confirm or disapprove such action based on an examination of the record of the student's behavior.
2. The decision of the superintendent shall be final according to these regulations governing short-term suspensions.

Long-term suspension or expulsion

1. When a principal decides to recommend long-term suspension or expulsion for a student he/she must immediately notify the student and parent that the student will be recommended for long-term suspension or expulsion.
2. The student will be suspended 10 days by the principal. The principal will immediately contact the Facilitator of the Disciplinary Review Panel. In the case of a student receiving special education services, contact the Director of Exceptional Education and Federal Programs.
3. The principal within 24 hours of the incident must provide written notice to the student and his parent of the proposed action and the reasons therefore and of the right to a hearing before an impartial panel. The Facilitator of the Disciplinary Review Panel and the Superintendent will receive a copy of this notice within 24 hours of the incident.
4. The parent shall also be notified of their right to an appeal of the decision of the Disciplinary Review Panel to the full School Board or to the School Board Review Committee.

Review procedures for suspensions in excess of ten days and expulsions

1. All students that are recommended for long term suspension or expulsion will have their long-term suspension or expulsion reviewed by the Middlesex County Disciplinary Review Panel.
2. The review panel will be made up of Middlesex County School administrators. The panel will be scheduled and facilitated by the Central Office School Social Worker.
3. The hearing will be held within ten (10) school days from the date of the written notice unless the student and/or parent(s)/guardian(s) ask for a continuance and the continuance is granted by the panel facilitator.
4. At the hearing, the principal or his/her representative shall present any evidence the principal wishes in support of the principal's recommendation. Likewise, the student, his/her parent(s)/guardian(s),

- or representative may present any evidence to support the student's position.
5. Witnesses should be kept outside of the hearing room until they are called. Student witnesses must have written parental permission to participate and should be accompanied by a parent.
 6. It is important that the school administration get all the facts, evidence, and witnesses together. Written statements including a detailed incident report, evidence, witness statements and factual information should be provided. They should present a strong case (which could be subject to review by the School Board or through a due process hearing). Student grades, attendance, and disciplinary records should be made readily available at the hearing by the principal.
 7. The panel may either uphold the recommendation of the principal, either in whole or in part, or disapprove. Additional recommendations may be made. A majority vote of the panel shall be necessary for action.
 8. The panel facilitator informs the Superintendent in writing of panel recommendations. A copy of this letter is sent to parent, panel members, and the principal.
 9. The Superintendent reviews the panel's recommendation and makes a determination to uphold, deny, or modify the panel's recommendations. The Superintendent must provide written notice to the student, parent(s)/guardian(s) of a suspension of more than 10 days. The letter should specify the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs, or intervention programs. The letter should state the student's eligibility to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension.
 10. If the student, parent(s)/guardian(s) choose to appeal the decision of the Superintendent, then they must do so in writing to the Superintendent within 10 days of the date of the letter of notification of the Superintendent's decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The student will remain suspended pending the disposition of his/her appeal.
 11. Upon a timely request for a hearing before the Middlesex County School Board, or the School Board Review Committee, which shall occur within (30) calendar days, the Superintendent shall notify the student and the parent of the time and place of the hearing.

School Board Review Committee Hearings

1. The School Board Review Committee is a "committee of the School Board" and is composed of at least three school board members.
2. The function of this committee is to act upon a principal's

recommendation for long-term suspension if appealed or expulsion. The School Board Review Committee or School Board must affirm each expulsion regardless of whether the student has exercised his/her right to appeal.

3. Parents of students charged with violations are notified of the hearing date and asked to confirm that they can attend the hearing. If they do not confirm, the hearing may or may not be conducted. The parent may request one postponement of the hearing date. The principal of the school is expected to be present at the hearing, as is any school staff whose attendance is requested.
4. Hearings of the School Board Review Committee are formal and important steps in the disciplinary process. In order to protect the privacy of the students involved, the hearings are closed. Parents may bring an attorney or other representative into a closed hearing and may bring others in support of the student. Parents may request that a hearing be open. An open hearing means that anyone may attend. Even when a hearing is declared open, the committee will deliberate in closed session. The final determination of whether a hearing is open or closed will rest with the Chairman of the Committee.
5. Individuals participating in the hearing are subject to a security check. Admittance may be denied any person refusing to adhere with the Committee Chairman's directions regarding security, conduct, or general operating procedures of the hearing committee. No recording (audio or video), filming or photography is permitted during a School Board Review Committee hearing by parties other than the Board.

Expulsion for Weapons-Related Offense

Any student determined to be in possession of or to have brought any prohibited weapon onto school property or to a school-sponsored activity shall be expelled for a period of not less than one year (365 days). However, the School Board may determine, based on the facts of a particular case that special circumstances exist and another disciplinary action or term of expulsion is appropriate. The Division Superintendent may conduct a review in such cases to determine whether a disciplinary action other than expulsion is appropriate, and recommend that action to the School Board for final determination Virginia Codes §22.1-277.07, §22.1-277.07:1.

Expulsion for Drug-Related Offense

Any student determined to have distributed or manufactured a controlled substance including anabolic steroids or prescription drugs, an imitation controlled drug, or other prohibited substance on school property or at a school-sponsored activity shall be expelled for a period of not less than one year. However, the School Board may determine, based on the facts of a particular case that special circumstances exist and another disciplinary action or term of expulsion is appropriate. The Division Superintendent may conduct a review in such cases to determine whether a disciplinary action other than

expulsion is appropriate, and recommend that action to the School Board for final determination Virginia Code §22.1-277.08.

Suspensions or Expulsions of Students with Disabilities

Suspensions and/or expulsions of students with disabilities will be in compliance with state and federal law.

Admission of Students Suspended or Expelled from Another School Division

A student who has been expelled or suspended for more than 30 days from attendance at school by a 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 not longer than the duration of such suspension. The school shall provide written notice to the student and his or her parent/guardian of the reasons for such possible exclusion and of the right to 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 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 the student shall be final unless altered by the school board after timely written petition. Upon the expiration of the exclusion, the student may petition the Division Superintendent for admission.

Review and Revision of Standards of Student Conduct

An annual evaluation of the Standards of Student Conduct will be conducted within a month of the close of school. Revision, if necessary, will be completed prior to the opening of the next school year.

Distribution of Standards of Student Conduct

A copy of the Standards of Student Conduct will be issued to all students within one month of the opening of school. All transfer students will be issued a copy of the Standards as a part of the registration process. Principals will stress to all students that compliance with the Standards is mandatory. The "Acknowledgment of Parent/guardian Responsibility" form must be signed by the parent/guardian and returned to the school.

Each year, during the first week of school, all students will be provided a period of instruction on the contents of the Standards of Student Conduct. This instruction will be followed by an assessment appropriate to the student's grade level.

**CONDUCT CODE VIOLATIONS
AND CONSEQUENCES FOR OFFENSES**

The consequences for offenses appear below within a range of level 1 to level 4. Consequences for offenses may include, but are not limited to, the following: student conferences, warning, parent contact, school conference with parent/

guardian, confiscation, restitution, detention, loss of privilege to ride a school bus or hold a parking permit, social probation, loss of privilege to participate in extracurricular activities including academic clubs or athletics, court referral, alternatives to suspension, placement in alternative education, and expulsion. Repeat offenders will face the possibility of other disciplinary actions based on their individual disciplinary record.

- Level 1 Conference
- Level 2 Intervention (Disciplinary action as determined by administrator) or alternative to Suspension (ATS)
- Level 3 Short-Term Suspension from 1 to 10 days
- Level 4 Long-Term Suspension from 11-364 days,
Alternative Education Placement, or Expulsion

OFFENSES

Range of Consequences

Grade Minimum Maximum

1. **Conduct Standard: Alcohol and Other Drugs**

A student may not possess, use, or distribute alcohol, tobacco and/or tobacco products, and other drugs on school grounds, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look-alike drugs, drug paraphernalia, and any drug not prescribed for the student by a physician.

PK-12 3 4

Any student who possesses or uses prohibited substances may participate in prevention and intervention activities deemed appropriate by the superintendent.

2. **Conduct Standard: Assault**

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

- 1) Threatening or physically assaulting another student or another person (other than a staff member) who has reason to be at school, whether or not causing injury, shall result in disciplinary measures up to and including a 10-day suspension and a recommendation for expulsion.
- 2) Physically assaulting a school staff member shall result in suspension from school for up to 10 days, and the principal may recommend expulsion. In the event of injury to the staff member, expulsion shall be recommended.

PK-5 1 4
6-12 3 4

3. Conduct Standard: Attendance

Student attendance is a cooperative effort; schools shall involve parents/guardians and students in accepting responsibility for regular attendance.

Each parent/guardian of a child within the compulsory school attendance age shall be responsible for the child's regular and punctual attendance at school as required by law. PK-12 1 2

Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with school board regulation.

4. Conduct Standard: Bomb Threat

Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices, or hoax explosive devices, or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb other students, school personnel or property. PK-5 2 4
6-12 3 4

5. Conduct Standard: Bullying

Students, either individually or as part of a group, shall not harass or bully others. The following conduct is illustrative of bullying:

- Physical intimidation, taunting, name calling, and insults
- Falsifying statements about other persons
- Use of technology such as e-mail, text messages, or web sites to defame or harm others either at school or in a manner that causes a substantial

Please see page 35 for definitions of range minimums and maximums.

disruption to the educational environment.

***New to 2011-2012, Bullying with the intent to discriminate based on **race, gender, religion, physical abilities or characteristics of associates of the targeted person**

PK-12 3 4

6. Conduct Standard: Bus-Related Conduct

Students are required to conduct themselves on school buses in a manner consistent with established standards for classroom behavior. Students who become disciplinary problems on school buses shall be reported to the principal by the driver and may have their riding privileges suspended. Students are also subject to the same disciplinary action as would be prescribed had the behavior occurred at school.

PK-12 1 4

7. Conduct Standard: Cheating

Students are expected to perform honestly on any assigned schoolwork or tests. The following actions are prohibited:
 Cheating on a test or assigned work by giving, receiving, offering, and/or soliciting information
 Plagiarizing by copying the language, structure, idea, and/or thoughts of another
 Falsifying statements on any assigned schoolwork, tests, or other school documents

PK-5 1 3
 6-12 2 3

8. Conduct Standard: Communication Devices; Laser Pointers

Upon completion of the Cell Phone Request Form, a student may possess a portable communication device on school property during the school day; however, the device must be out of sight, turned off, and used only with authorization from a school official.

PK-12 1 3

Portable communication devices, include any beepers, cell phones, I-Pods, or other similar devices capable of receiving or transmitting electronic communications.

In addition to other disciplinary action associated with the possession or use of a portable communication device in violation of this provision, any such portable communication device shall be subject to confiscation by school officials and returned only to the student's parent/guardian.

9. Conduct Standard: Disruptive Behavior

Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance within the school setting or during related activities, which interrupts or interferes with teaching and orderly conduct of school activities, is prohibited

PK-12 1 4

10. Conduct Standard: Dress Standard

All students are expected to dress appropriately for a Pre PK-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable.

Clothing with language or images that are vulgar, discriminatory, or obscene, or

PK-12 1 3

Please see page 35 for definitions of range minimums and maximums.

clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia, or clothing that contains threats such as gang symbols are prohibited.

Clothing should fit, be neat and clean, and conform to standards of safety, good taste, and decency. Clothing that exposes cleavage, private parts, the midriff, or undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, clothing constructed of see-through materials, and head coverings unless required for religious or medical purposes.

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

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

11. Conduct Standard: Extortion

No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

PK-5	1	4
6-12	3	4

11. Conduct Standard: Extortion

No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

PK-5 1 4

6-12 3 4

12. Conduct Standard: Fighting

Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury is prohibited.

PK-5 2 4

6-12 3 4

13. Conduct Standard: Gambling

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

PK-12 1 3

14. Conduct Standard: Gang-Related Activity

Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students).

PK-12 2 4

15. Conduct Standard: Hazing

No student shall engage in hazing. Hazing means to recklessly and intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for, continued membership in a club, organization, association, fraternity, sorority, or student body, regardless of whether the student or students so endangered or injured participated voluntarily in the activity.

Please see page 35 for definitions of range minimums and maximums.

Hazing is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2500, or both, in addition to any disciplinary consequences which may be imposed. In addition, any person receiving bodily injury by hazing has a right to file a civil suit against the person or persons guilty thereof, whether adults or minors.

The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

16. Conduct Standard: Internet Abuse

Internet use by students shall be in accordance with acceptable computer use policies and regulations. PK-12 1 4

17. Conduct Standard: Profane or Obscene Language or Conduct

Students shall not use vulgar, profane, or obscene language, or gestures, or engage in conduct that is vulgar, profane, or obscene, or disrupts the teaching and learning environment. PK-12 1 3

18. Conduct Standard: Property Offenses

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

- Willful causing or attempting to cause damage to school property PK-5 1 4
- Theft of, taking, or trying to take another person's property or money by force, fear, or other means 6-12 2 4
- Vandalism, arson, or any threat or false threat to bomb, burn, damage, or destroy in any manner a school building or school property

A student (or the student's parent/guardian) shall be required to reimburse the school board for any actual loss of, breakage or, destruction of, or failure to return property owned by or under the control of the school board caused or committed by such student.

19. Conduct Standard: Threats; Intimidation

Students shall not make any verbal or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason.

PK-5	1		4
6-12	2		4

20. Conduct Standard: Trespassing

A student shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.

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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.

21. Conduct Standard: Stalking

Students shall not engage in a pattern of behavior that places another person in fear of serious harm.

PK-12	2		4
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Please see page 35 for definitions of range minimums and maximums.

22. Conduct Standard: Weapons

Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon (such weapons include, but are not limited to: any pistol, shotgun, stun weapon, revolver, or other firearm listed in section 22.1-277.07(E), of the Code of Virginia, designed or intended to propel a projectile of any kind, including a rifle; unloaded firearms in closed containers; any air rifle or BB gun; toy guns and look-alike guns; any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor; slingshots, spring sticks, brass or metal knuckles, blackjacks; any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; any disc, of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; explosives, and destructive devices as defined in section 22.1-277.07(E), of the code of Virginia; or other dangerous articles, as defined in School Board Policy JFCD).

PK-12 3 4

23. Conduct Standard: Other Conduct

In addition to those specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise in violation of federal, state, or local law.

PK-12 1 4

Please see page 35 for definitions of range minimums and maximums.

Statement on Self Defense

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