

ARTICLE III: CODE OF STUDENT CONDUCT

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

#### **Philosophy**

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

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

A student has all rights expressed and guaranteed by the United States Constitution and by federal, state, and local laws. These rights do not permit a student to disrupt the educational process, to break school rules, to present a health or safety hazard, or to disregard directions of those in authority. Individual rights do not include infringing upon the rights of others in the school community.

To the extent permitted by applicable law, students have the right to the following:

- a public education without regard to gender, race, religion, national origin, or any reason not related to their individual capabilities;
- an orderly school and classroom environment which will allow optimum learning, emphasizing the values of responsibility, kindness, fairness, and safety; and
- freedom of expression in speech, writing, or symbols, consistent with their constitutional rights and School Board policy.

Students have the primary responsibility to maintain a climate of mutual respect and trust in order that the dignity of the individual be protected and the pursuit of opportunities for each student be realized.

Students are responsible for the following:

- knowing and complying with any rules or regulations of the School Board, as well as local, state, and federal laws;
- attending school regularly, equipped with the materials needed to attend class and complete class assignments and/or requirements; and
- contributing to a climate of mutual respect for all within each school so that the hopes and ambitions of all individuals may be realized.

#### **Disciplining Students with Disabilities**

Disciplinary actions for students with disabilities will be determined in accordance with all relevant state and federal laws and regulations. Regulations Governing Special Education Programs for Children with Disabilities are available from the Virginia Department of Education Web site at <http://www.doe.virginia.gov/>. Additional information concerning disciplinary actions for students with disabilities is available in the Section 504 Handbook, accessible at <http://www.hcps.us/instruction/sped/Section%20504%20Handbook%2020-071415.pdf>.

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

Each parent/guardian has the duty to assist the school in enforcing the *Code of Student Conduct* and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. Any school principal may request a student's parent/guardian (or parents, if both parents have legal and physical custody of such student) to meet with the principal or his designee to review the *Code of Student Conduct* and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with the compulsory school attendance law, and to discuss improvement of the child's behavior and educational progress.

## **Due Process**

Students facing suspension have a property right to an education guaranteed under the 14<sup>th</sup> Amendment which may not be taken away without due process. For suspensions of ten (10) days or less, the student must be given oral or written notice of the charges and, if he/she denies them, an explanation of the evidence and an opportunity to present his/her side of the story.

Virginia law requires more due process than required by the Constitution. Virginia law requires the following requirements for suspensions of “not more than ten days”:

- oral or written notice to the student of the charges against him/her;
- if he/she denies them, an explanation of the facts and the opportunity to present his/her version;
- notification of the facts in writing by the administrator to the division superintendent or designee and to the parent(s)/guardian; and
- if requested by either party, a review of the facts of the case by the superintendent or his/her designee to “confirm or disapprove” the action.

Virginia law requires the following due process for suspensions of longer than ten (10) days:

- written notice to the students and his/her parent(s)/guardian stating the proposed action, reasons for it, and a statement that the suspension can be appealed to the superintendent or his/her designee.

## **Expectations for Student Conduct**

An open, engaging, challenging atmosphere is most conducive to the educational experience of all members of the school community. Therefore, students are expected to do the following:

- cooperate in the creation and maintenance of a healthy learning environment;
- conduct themselves in a safe and orderly manner;
- respect the rights of others during both curricular and extracurricular school programs;
- be present and on time for all scheduled activities;
- dress in a way that is appropriate and responsible;
- refrain from inappropriate behavior, including disruptive actions such as the use of profanity, obscenity, and/or demeaning remarks;
- safeguard the property of the school and protect the community’s investment in it;
- refrain from cheating or plagiarizing on any assigned schoolwork; refrain from cheating, plagiarizing or receiving assistance on any tests; and
- follow School Board policies and regulations.

## **Student Dress Code**

Student dress is an important factor in maintaining a positive educational environment. The School Board and school division staff rely on parents and students to support the division’s emphasis on safety and avoiding disruptions in the learning environment. A student’s dress and appearance should not cause disruption, distract other students from their school work, or compromise health or safety. This dress code applies to all school functions. Note: Principals can make exceptions to the student dress code at their discretion to account for special events.

1. For health and safety reasons, appropriate footwear, as determined by the building principal, must be worn at all times.
2. Skirts, dresses, jumpers, and shorts must completely cover the pelvic area and extend to the mid-thigh at all times, including while students are standing, sitting, or engaging in physical activity.
3. Clothing should not expose the student’s midriff, chest, or private areas at any time.
4. Sleeveless garments must have 2 inch straps and not expose undergarments. Spaghetti straps, tube tops, halter tops, camis, and tank tops may be worn under tops, shirts and blouses that have at least 2 inch coverage across each shoulder.

5. Yoga pants and leggings may be worn with tops that provide additional coverage of the pelvic area.
6. Pants and shorts must be worn and secured to prevent the student's undergarments from being exposed, to prevent the waistband from sagging below the student's hips, and to prevent the garment from dragging on the floor.

Students **MAY NOT WEAR** the following:

1. Clothing, jewelry, and other personal belongings displaying language or images that are vulgar, lewd, or obscene; that reflect adversely on or disparage another's race, gender, sexual orientation, skin color, religion, national origin, ancestry, or disability; that promote the use of drugs, illegal substances, or alcohol; or that contain threats gang symbols, symbols of groups associated with threatening or violent behavior, or groups that promote the unlawful use of weapons or other criminal behavior.
2. Hats, hoods, face masks, or head coverings of any kind while inside school building during regular school hours, unless worn for religious or medical reasons or approved in writing in advance by the building principal.
3. Sunglasses while inside school buildings unless required under a physician's prescription.
4. Chains of any type or studded/spiked jewelry.
5. Pajamas, sleepwear, swim wear.
6. Clothing that is constructed of see-through fabric, is revealing, or that resembles undergarments.

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

Administrators and others with disciplinary authority, including teachers and bus drivers, have the responsibility to enforce all School Board policies and regulations. The following list of conduct violations and accompanying consequences is not meant to be all-inclusive. The School Board or appropriate school official may invoke disciplinary measures for conduct not listed, but which, by common understanding, a student would know or reasonably should have known would be conduct detrimental to the maintenance of good order and/or the academic process. The principal, with the approval of the division superintendent, has the authority to promulgate school rules consistent with the rules contained herein and to administer such rules. A principal also may seek to obtain a waiver with regard to the assignment of required consequences in light of extenuating circumstances or in order to provide appropriate disciplinary alternatives. The waiver request shall be submitted in writing to the division superintendent or his designee. Violent, aggressive, dangerous offenses committed during prior school years may be considered in assigning consequences.

- Detention - Where appropriate a student may be detained for a reasonable period of time before or after his classes and may be required during this time to engage in controlled and constructive activities as may reasonably contribute to better behavior. Elementary students may be assigned lunch detention in lieu of before or after school detention. Parents/guardians of students assigned detention time before or after school shall be notified in writing or via telephone prior to the time detention is to be served in order that there may be an opportunity to make transportation arrangements.
- Saturday School – A student may be assigned Saturday School as an alternative to in-school and out-of-school suspension. Parents/guardians shall be notified of such assignment in writing and in advance in order that there may be an opportunity to make transportation arrangements.
- Suspension from Extracurricular Activities - A student's privilege to participate in all or certain extracurricular activities and/or school sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular activities may be imposed in conjunction with other penalties. Parents/guardians shall be notified of such suspension in writing.
- In-School Suspension - A student may be placed in the In-School Suspension program for the duration of a short-term suspension or as a part of a short term suspension. Students on short-term suspension, which is any suspension of ten (10) days or less, receive credit for schoolwork made up after they return from suspension.
- Other Appropriate Measures - Student contracts, parental involvement, counseling, community and/or school services, and attendance at Saturday or evening school are other measures which may be used to improve student conduct.

- Referral to an Alternative Education Program - The School Board may, in accordance with the procedures set forth in this section and upon a finding that a student has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of §16.1-260; (iii) found to have committed a serious offense or repeated offenses in violation of School Board policies; (iv) long-term suspended pursuant to the procedures in this section; or (v) expelled from school attendance pursuant to the procedures in this section, require the student to attend an alternative education program as provided in Virginia Code §§22.1-209.1:2 or 22.1-277.2:1.
- Out-of-School Suspension and Expulsion from School and/or School Buses - A student's privilege to attend school and/or ride a school bus may be suspended by the school principal, any assistant principal, or in their absence and in the case of short term suspensions of less than ten (10) days, a designated teacher, according to all applicable law and to the procedures set out in this *Code of Student Conduct* and for the offenses contained herein.
- Referral to Authorities - In addition to the disciplinary action outlined in this *Code of Student Conduct*, any known violation of the law will be referred to the appropriate law enforcement authorities.

Preventive and/or corrective measures available to school administrators include but are not limited to the following:

- Warning
- Teacher Removal of Student from Class (as authorized by Code of Virginia §22.1-276.2)
- Detention (Lunch, Before School, or After School)
- Suspension from Extracurricular Activities
- In-School Suspension
- Referral to an Alternative Education Program
- Out-of-School Suspension
- Expulsion from school and/or School Bus (vehicle)
- Referral to Authorities
- Saturday School
- Other Appropriate Measures

Students are subject to corrective action for any misconduct that occurs in the following locations/situations:

- in school or on school property, including in student-driven vehicles located on school property, at bus stops;
- in or on a school vehicle;
- while participating in or attending any school sponsored activity or trip;
- on the way to and from school;
- communicating using social media, text messages, or other electronic means, whether during or outside of school hours, if the communications cause a disruption in the school environment; and,
- off school property, when the student has been charged with an offense relating to the Commonwealth's laws on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to subsection G of §16.1-305.1 of the Code of Virginia; or when the student has been found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to subsection G of §16.1-305.1 of the Code of Virginia.

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

# 1 Attendance

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- A1T Excessive Absences (Includes tardies)
- A2T Truancy
- A3T Leaving Without Permission

Student attendance is a cooperative effort involving the school, parents and students. Every parent, guardian, or other person in Hanover County having control of any child between the ages of 5 and 18 is subject to Virginia's compulsory school laws.

With the support from their parents, Hanover County public school students are expected to accept responsibility for good attendance. School attendance is related directly to academic achievement and the development of good habits which are important in college and employment. Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work-study program. All other exceptions to a full-day schedule must be approved on an individual basis by the division superintendent or his designee.

## Truancy

Students are to be in their assigned classes and on the school grounds during the entire school day. Students must obtain permission from the principal or his/her designee to leave the school grounds before the designated closing of the school day. Principals and assistant principals may assign Saturday School, detention, or in-school suspension to students with infractions for skipping school and/or class.

# 2 Arson – Actual/Attempted

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- AS1 Arson: Actual
- AS2 Arson: Attempted
- AS3 Lighted Firecrackers, or Cherry Bombs, Stink-Bombs (That Contribute to a Damaging Fire)
- BO1 Bomb Threat
- BO2 Chemical/Biological Threat
- BO3 Terrorist Threat
- WP6 Possession of Explosive Device
- WP7 Use of a Bomb or Explosive Device
- W2P Possessing or Bringing to School or a School-Sponsored Event any Substance Used as a Weapon (Mace, Tear Gas, or Pepper Spray)
- W9P Bringing Fireworks, Firecrackers or Stink Bombs to School or School Event

Using, intending to use, or threatening to use an explosive device or any device represented as an explosive device on school property or school buses or at a school-sponsored event is prohibited.

Using or intending to use any material which may result in a fire on school property or school buses or at a school-sponsored event is prohibited unless specifically authorized by school officials.

The following infractions **MAY** result in a short-term suspension (1-10 days).

Possession of any explosive or flammable material considered to have the capacity to create an explosion or to start a fire, including, but not limited to: firecrackers, lighter fluid, and other flammable substances.

The following infraction **SHALL** result in a short-term suspension (1-10 days).

Use of any explosive or flammable material to create an explosion or start a fire, including, but not limited to: firecrackers, lighter fluid, and other flammable substances.

The following infractions **SHALL** result in a long-term suspension (11-364 days) or expulsion.

1. Arson: deliberately setting a fire on school property which endangers life, limb, or property.
2. Threat or false threat to bomb, burn, damage, or destroy in any manner a school building or school property.
3. Threat of harm or violence with an explosive device: Making direct or indirect threat (verbal, written, or behavior) to another student or adult that implies or creates fear of bodily harm or violence that endangers life, limb, or property.

### **3 Bullying**

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<b>BU1</b>	<b>Bullying</b>
<b>BU2</b>	<b>Cyber Bullying</b>
<b>HR1</b>	<b>Harassment (Non-Sexual) – Physical, Verbal, or Psychological (Sexual Harassment refer to Section 8 Sexual Harassment/Inappropriate Sexual Behavior)</b>

The following infractions **MAY** result in a short-term suspension (1-10 days).

1. **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” does not include ordinary teasing, horseplay, argument, or peer conflict.
2. **Cyber Bullying:** Electronic communication that supports deliberate, hostile, hurtful messages intended to harm others and which substantially disrupts or interferes with the safety and welfare of the school and its students. This behavior includes, but is not limited to impersonation, stalking, threats, coercion, taunting, and harassment.
3. **Harassment:** any repeated, unwanted, unwelcomed, and uninvited words and/or behavior over time that demeans, threatens, or offends a person or persons, but does not include sexual harassment, which is addressed in Section 8 Sexual Harassment/Inappropriate Sexual Behavior.

### **4 Dangerous Objects and Firearms**

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<b>W1P</b>	<b>Possession of Ammunition</b>
<b>W2P</b>	<b>Possessing or Bringing to School or a School-Sponsored Event any Substance Used as a Weapon (Mace, Tear Gas, or Pepper Spray)</b>
<b>WP0</b>	<b>Possession of Pneumatic Weapon (BB Gun, Paintball Gun, or Pellet Gun)</b>
<b>WP1</b>	<b>Possession of Firearm</b>
<b>WP2</b>	<b>Possession of Shotgun or Rifle</b>
<b>W3P</b>	<b>Bringing a Toy/Look-alike Gun to School or School Event</b>
<b>WP4</b>	<b>Possession of Weapon that Expels a Projectile</b>
<b>WP5</b>	<b>Possession of a Knife (Blade 3 inches or longer)</b>
<b>WP6</b>	<b>Possession of Explosive Device</b>
<b>WP7</b>	<b>Use of a Bomb or Explosive Device</b>
<b>WP8</b>	<b>Possession of Other Firearms</b>
<b>WP9</b>	<b>Possession of Other Weapons (includes Blade shorter than 3 inches)</b>
<b>W9P</b>	<b>Bringing Fireworks/Firecrackers/Stink Bombs to School or School Event</b>
<b>WS1</b>	<b>Possession of Stun Gun</b>
<b>WT1</b>	<b>Possession of Taser</b>

Students shall not bring, carry, use, or possess any weapon, or destructive device while in or on school property, while in a school-owned or -operated vehicle, while attending a school-sponsored activity or event, or in a student-driven vehicle that is located on school property.

The following infractions **MAY** result in a long-term suspension (11-364) or expulsion.

1. Bringing, carrying, possessing, or using a knife while in or on school property, including student-driven vehicles located on school property, and/or while attending a school sponsored-activity or event, except when the student has such a knife for specified use in a class in which he/she is enrolled and the knife is a required instructional tool as designated by the instructor.
2. Bringing, carrying, or possessing a weapon, ammunition, pneumatic weapons, any substance that can be used as a weapon, toy/look-alike guns, razor blades, box cutters, stun guns, tasers, explosive or flammable materials (unless specifically authorized by school administrators), etc. while in or on school property, including student-driven vehicles located on school property, and/or while attending a school sponsored-activity or event.

The following infractions **SHALL** result in expulsion.

1. Bringing, carrying, possessing, and/or using a firearm while in or on school property, including while in school-owned or -operated vehicles, in a student-driven vehicle located on school property, and/or while attending a school-sponsored activity or event.
2. Using and/or attempting to use any weapon, including look-alike weapons, to intrude upon the safety and security of students, employees of Hanover County Public Schools, and visitors.

## 5 Disruptive Behavior

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<b>D1C</b>	<b>Disrespect (walking away, etc.)</b>	<b>G1B</b>	<b>Gambling</b>
<b>D2C</b>	<b>Defiance (refuses to follow directives)</b>	<b>RG1</b>	<b>Inciting a Riot</b>
<b>D3C</b>	<b>Disruptive Demonstrations</b>	<b>S3V</b>	<b>Other School Code of Conduct</b>
<b>D4C</b>	<b>Possession of Obscene or Disruptive Literature</b>	<b>BO1</b>	<b>Violation not Included</b>
<b>D5C</b>	<b>Classroom or Campus Disruption</b>	<b>BO2</b>	<b>Bomb Threat</b>
<b>D6C</b>	<b>Using Obscene or Inappropriate Language or Gestures</b>	<b>BO3</b>	<b>Chemical/Biological Threat</b>
<b>D8C</b>	<b>Minor Insubordination</b>	<b>BO4</b>	<b>Terrorist Threat</b>
<b>GA1</b>	<b>Gang Activity</b>	<b>C1M</b>	<b>Setting Off False Fire Alarm</b>
		<b>C2M</b>	<b>Beepers</b>
		<b>C3M</b>	<b>Cellular Telephones</b>
			<b>Electronic Devices</b>

Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by School Board policies and regulations and shall not behave in a disorderly manner or in any other manner that interrupts or disturbs the orderly operation of the classroom or any school activity.

A student's dress and appearance shall conform to the Student Dress Code. (See page 2.)

Students shall not verbally or graphically curse or abuse anyone, use vulgar, profane or indecent language, or bear or display any obscenity or indecency.

Gambling in any form is prohibited on school property or in association with any school activity.

Gang-related activity will not be tolerated.



The following infractions **MAY** result in a short-term suspension (1-10 days).

1. The use of any type of unauthorized electronic or mechanical device is prohibited during regular school hours and on school buses. Unauthorized electronic or mechanical devices shall include, but not be limited to: pagers, cellular telephones, I-Pods, computer games, cameras, musical devices, laser pointers, and other portable electronic devices or the representation thereof. Students will be permitted the appropriate use of cellular phones on school property or at school-sponsored activities before and after regular school hours, and in accordance with Regulation 6-3.15(C) – Student Owned Electronic Device Acceptable Use. However, the use of any of the above mentioned devices may not interfere with any school activity.
2. Possession of a laser pointer, shock pen or other electronic device that may be used to damage a person.
3. Verbal altercation, taunting.
4. Use of vulgar acts, gestures, or profane language not directed toward another person.
5. Speaking or writing profanity while on school property, including while in school-owned or school-operated vehicles, or while attending a school-sponsored activity or event.
6. Horse playing that results in injury.
7. Tampering with fire alarm system and/or other electronic surveillance equipment.
8. Defiance or insolence directed at any school employee to include insubordination or disregard of a verbal instruction or direction.
9. Use of vulgar acts, gestures, or profane language directed toward another person
10. Possession of pornographic or sexually explicit material and/or item, including images and material contained or stored on any electronic or mechanical device.
11. Participating in gang-related activity while on school property, in a school bus or school-division vehicle, or at a school-sponsored event.
12. Engaging in disruptive behavior and/or disorderly conduct.
13. Inciting other students to create or personally creating disruption to the operation of the school. Includes spoken, written, or electronic communications that are abusive such as name calling, the use of ethnic or racial slurs, or derogatory statements that are addressed or shared with others, that are likely to precipitate or that cause disruption of the school program or incite violence.

The following infractions **MAY** result in a long-term suspension (11-364 days).

1. Making a false fire alarm, activating a fire alarm, or unauthorized use of emergency/security telephones or equipment.
2. Persistent failure to comply with the *Code of Student Conduct* and/or persistent disobedience or violation of school rules.

## **6 Fighting/Assault/Threats**

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<b>BA1</b>	<b>Battery/Assault against Staff with Weapon</b>	<b>ET1</b>	<b>Extortion</b>
<b>BA2</b>	<b>Battery/Assault against Staff with No Weapon</b>	<b>ET2</b>	<b>Attempted Extortion</b>
<b>BA3</b>	<b>Battery/Assault against Student with Weapon</b>	<b>H1Z</b>	<b>Hazing</b>
<b>BA4</b>	<b>Battery/Assault against Student with No Weapon</b>	<b>TI1</b>	<b>Threat/intimidations against staff</b>
<b>BA5</b>	<b>Malicious Wounding Without a Weapon</b>	<b>TI2</b>	<b>Threat/intimidations against student</b>
		<b>ST1</b>	<b>Stalking</b>
		<b>FA2</b>	<b>Fighting With No or Minor Injury</b>
		<b>F1T</b>	<b>Minor Physical Altercation</b>

Students shall not make any verbal, written, electronically communicated, or physical threat of bodily injury or use of force directed toward another person for any reason.

Students shall not fight or display or contribute to aggressive behavior that is disruptive or dangerous.

The following infractions **MAY** result in up to a short-term suspension (1-10 days).

1. Fighting or any physical altercation that may result in no injury or minor injury, including kicking, shoving, pushing, or hitting.
2. Extortion.
3. Fighting that causes a disruption to the school day.
4. Forcing someone into action or deterring someone from action by inducing fear, usually by threat, including hazing, teasing, and/or any physical contact.
5. Intimidating or threatening another with bodily harm, violence, damage to property or to the safety of the school environment.
6. Inciting other students to create or personally creating a disturbance which disrupts the operation of the school. Includes engaging in verbal abuse such as name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others, that may precipitate disruption of the school program or incite violence.

The following infractions **MAY** result in a long-term suspension (11-364 days).

1. Assaulting a student.
2. Persistent behavior that threatens bodily harm, violence, damage to property, or to the safety of the school environment (may include breaking and entering or other unauthorized presence on school property or school grounds).
3. Threat of harm or violence: Making direct or indirect threat (verbal, written, or behavior) to another of bodily harm or violence that endangers life, limb, or property.
4. Pushing, shoving, or other inappropriate physical contact, that is not an assault, with a teacher, administrator, employee of Hanover County Public Schools, a School Resource Officer, or school visitor.

The following infractions **SHALL** result in expulsion.

Assaulting a teacher, administrator, employee of Hanover County Public Schools, School Resource Officer, or school visitor.

## **7 Integrity/Theft**

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<b>S2V</b>	<b>Misrepresentation</b>	<b>IT1</b>	<b>Cheating</b>
<b>TF1</b>	<b>Theft of School Property</b>	<b>IT2</b>	<b>Plagiarism</b>
<b>TF2</b>	<b>Theft of Staff Property</b>	<b>IT3</b>	<b>Falsification</b>
<b>TF3</b>	<b>Theft of Student Property</b>	<b>BK1</b>	<b>Burglary: Actual</b>
<b>TF4</b>	<b>Possession of Stolen Property</b>	<b>BK2</b>	<b>Burglary: Attempted</b>
<b>TF</b>	<b>Attempted Theft or Theft of Motor Vehicle</b>	<b>RB1</b>	<b>Actual Robbery</b>
		<b>RB2</b>	<b>Attempted Robbery</b>

Honesty shall be practiced in the entire educational experience. Cheating, plagiarism, forgery (including computer forgery), lying, stealing, or any other acts of dishonesty shall not be tolerated. This includes unauthorized or illegal use of computers, computer networks, or electronic media.

The following infractions **MAY** result in a short-term suspension (1-10 days).

1. Any theft of money or personal or public property and/or theft involving breaking and entering, including lockers (includes unauthorized or illegal use of computer services).
2. Falsifying of signatures on notes, excuses, or other school documents (includes producing false notes, excuses, or other school documents by computer); lying and other acts of dishonesty.
3. Cheating or plagiarizing on assigned school work or cheating, plagiarizing or willingly providing or receiving assistance on tests.

The following infractions **SHALL** result in a long-term suspension (11-364 days) or expulsion.

1. Attempted theft or theft of a motor vehicle.
2. Attempted or actual burglary or robbery.

## 8 Sexual Harassment/Inappropriate Sexual Behavior

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<b>SX0</b>	<b>Sexual Harassment</b>
<b>SX1</b>	<b>Improper Physical Contact against Staff</b>
<b>SX2</b>	<b>Improper Physical Contact against Student</b>
<b>SX3</b>	<b>Sexual Offenses against Staff/Forcible Assault/Rape</b>
<b>SX4</b>	<b>Sexual Offenses against Student/Forcible Assault/Rape</b>
<b>SX5</b>	<b>Sexual Offenses against Staff/Attempted Forcible Assault/Rape</b>
<b>SX6</b>	<b>Sexual Offenses against Student/Attempted Forcible Assault/Rape</b>
<b>SX7</b>	<b>Sexual Offenses without Force</b>
<b>SX8</b>	<b>Aggravated Sexual Battery</b>
<b>SB1</b>	<b>Sexual Battery against Staff</b>
<b>SB2</b>	<b>Sexual Battery against Student</b>

It is the policy of the School Board to maintain a learning and working environment which fosters fair and equitable treatment of all students and employees, including freedom from sexual harassment. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct of a sexual nature, including conduct that creates an intimidating, hostile or offensive learning or working environment or denies or limits a student's ability to participate in or benefit from a school's education program. Sexual harassment includes sexual violence. Victims of sexual harassment, as well as harassers, can be of any gender. Sexual harassment can occur in any school program or activity and can take place in school facilities, on a school bus, or at other off-campus locations, such as a school-sponsored field trip or a training program at another location. Sexual harassment can be verbal, nonverbal, or physical, or communicated electronically.

Students are prohibited from engaging in the sexual harassment of other students or employees. Any student with knowledge of the occurrence of sexual harassment should notify the principal or other administrator.

Sexual harassment of a student or employee **MAY** result in a short-term suspension (1-10 days) long-term suspension (11-364 days) or expulsion **depending upon severity and relevant factors**.

## 9 Substance Abuse

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<b>AC1</b>	<b>Alcohol Use</b>		
<b>AC2</b>	<b>Alcohol Possession</b>	<b>D6G</b>	<b>Over-the-Counter Medication Sale/Distribution</b>
<b>DG1</b>	<b>Schedule I &amp; II Drug Use</b>		
<b>DG2</b>	<b>Schedule I &amp; II Drug Possession</b>	<b>D10</b>	<b>Other Drug Use/Overdose</b>
<b>DG3</b>	<b>Schedule I &amp; II Drug Sale/Distribution</b>	<b>D11</b>	<b>Other Drug Possession/Paraphernalia/Possession</b>
<b>DG5</b>	<b>Synthetic Marijuana Use or Possession</b>	<b>D12</b>	<b>Other Drug Sale/Distribution</b>
<b>DG7</b>	<b>Marijuana Use</b>	<b>D15</b>	<b>Use of Inhalants</b>
<b>DG8</b>	<b>Marijuana Possession</b>	<b>D17</b>	<b>Substances Represented as Drugs (Look-alikes)</b>
<b>DG9</b>	<b>Marijuana Sale/Distribution</b>	<b>D19</b>	<b>Anabolic Steroid Sale/Distribution</b>
<b>D4G</b>	<b>Over-the-Counter Medication Use</b>	<b>D20</b>	<b>Anabolic Steroid Use/Possession</b>
<b>D5G</b>	<b>Over-the-Counter Medication Possession</b>	<b>DR3</b>	<b>Drug Violations of Prescription Drugs, Theft, or Attempted Theft of Prescription Drugs</b>

The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol, anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance, as defined in the Drug Control Act, Chapter 34 Title 54.1 of the Code of Virginia, or as defined in schedules I through V of 21 U.S.C. 812, or imitation controlled substances, or possession or use of drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, shall result in suspension and/or expulsion from school in accordance with all applicable laws and School Board Policy.

No student may have in his or her possession any medication or prescription drugs, except those students with diagnoses requiring the administration of medication during the school day and who follow school rules for self-administration of medicine. This includes students diagnosed with, but not limited to, asthma, anaphylaxis, or both.

The following infractions **SHALL** result in a suspension or expulsion.

### **Ten-Day Suspension from School**

1. First Offense: When on school property, traveling to or from school, or at a school-sponsored activity, possession, use, and/or under the influence of illegal drugs or dangerous substances, including anabolic steroids, or a controlled substance consumed with the intent of altering the individual's mood or perception including over-the-counter medications such as aspirin, ibuprofen, cough and cold medications, acetaminophen, herbal supplements, inhalants, and anabolic steroids. This also includes possession or use of drug paraphernalia which aids or promotes the use of drugs.
2. First Offense: When on school property, traveling to or from school, or at a school-sponsored activity, possession, use, or under the influence of alcohol; possession or use of imitation alcohol (including, but not limited to non-alcoholic malt beverages and powdered alcohol), imitation controlled substance, or marijuana as defined in Virginia Code §18.2-247.

As a condition of the suspension for these offenses, the Intervention Counselor will meet with the student. The Intervention Counselor will provide referral resource information to the parent/guardian. Such information may address substance use education, early intervention, and treatment. In addition, the student will not be permitted to participate in or attend any extracurricular activities for 60 calendar days from the date of the suspension, including summer vacation and school holidays.

### **Expulsion from School**

1. Selling, supplying, or distributing to another person, or manufacturing alcoholic beverages, controlled, or illegal drugs (including anabolic steroids) or dangerous substances while on school property, while in a school division vehicle, or while at a school-sponsored activity.
2. Second offense of possession, use, consumption and/or under the influence of alcohol, controlled or illegal drugs, including anabolic steroids, any dangerous substance, including over-the-counter medications such as aspirin, ibuprofen, cough and cold medications, acetaminophen, herbal supplements, and inhalants, consumed with the intent of altering the individual's mood or perception. This also includes possession, or use of drug paraphernalia which aids or promotes the use of drugs or illegal substances.
3. Second offense of use or possession of imitation alcohol (including non-alcoholic malt beverages), imitation controlled substance, or marijuana (as defined in Virginia Code §18.2-247) which on school property, in a school division vehicle, or while at a school sponsored activity.

## **10 Technology and the Internet**

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<b>T1C</b>	<b>Unauthorized Use of Technology or Information</b>
<b>T2C</b>	<b>Causing/Attempting to Cause Damage to Computer Hardware, Software, or Files</b>
<b>T3C</b>	<b>Violations of Acceptable Usage Policy</b>
<b>T4C</b>	<b>Violations of Internet Policy</b>

Honesty shall be practiced in the entire educational experience. Cheating, plagiarism, forgery (including computer forgery), lying, stealing, or any other acts of dishonesty will not be tolerated. This includes unauthorized or illegal use of computers, computer networks, or electronic media.

The following infractions **MAY** result in a short-term suspension (1-10 days).

1. Unauthorized or illegal use of computers or computer networks, including any violation of the Hanover County Public Schools Internet Acceptable Use Policy.
2. Computer invasion of privacy (unauthorized or illegal use of a computer or computer network to examine personal information relating to any other person).

The following infractions **SHALL** result in a long-term suspension (11-364 days).

1. Temporary or permanent removal of computer data, computer programs, or computer software from a computer or computer network, or any other violation of the expectations for the Hanover Academic Network (HAN), contained in Policy 6-3.15, and accompanying regulations.
2. Causing a computer to malfunction or altering or erasing any computer data, computer programs or computer software.
3. Making or causing to be made an unauthorized or illegal copy, in any form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network.

## **11 Tobacco and Vapor Products**

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<b>TC1</b>	<b>Tobacco Use</b>
<b>TC2</b>	<b>Tobacco Possession</b>
<b>TC3</b>	<b>Tobacco Sales/Distribution</b>
<b>TC4</b>	<b>Bringing Tobacco Paraphernalia to School or School Event</b>

The possession and/or use of tobacco products or vapor products by students on a school bus, on school property, or at a school-sponsored activity is strictly prohibited. Tobacco products include any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. Vapor products include any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that can be used to produce vapor from nicotine, or other substance, in a solution or other form.

The following infraction **MAY** result in up to a maximum of three (3) days of in-school suspension.

First Offense: Possession and/or use of tobacco products or vapor products.

The following infraction **MAY** result in up to a maximum of three (3) days suspension from school.

Subsequent Offenses: Possession and/or use of tobacco products or vapor products.

## **12 Transportation**

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<b>TN2</b>	<b>Motor Vehicle Registration</b>
<b>TN3</b>	<b>Improper use of Bicycle</b>
<b>TN4</b>	<b>Walkers/Property/Rights</b>

Riding a school bus is a privilege. Violations of standards set forth in the *Code of Student Conduct* for students riding on a school bus or in any other type of school vehicle will be cause for a referral to a school administrator and shall result in appropriate disciplinary penalties. School buses are considered School Board property, and students who fail to meet the expectations of the *Code of Student Conduct* may have their riding privileges revoked for a specified time or permanently.

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

In addition, the following rules must be followed by all passengers on a school bus or in any school vehicle:

1. Show respect for fellow students and the driver.
2. Respect the property rights of all passengers and driver of the vehicle.
3. Follow directions the first time they are given.
4. Keep all objects and themselves inside the bus.
5. Refrain from throwing objects.
6. Stay in their seats while the bus is in motion.
7. Refrain from cursing, swearing, talking loudly, or teasing.
8. Refrain from pushing, shoving, or fighting.
9. Refrain from littering or damaging the bus.
10. Refrain from eating or drinking.
11. Refrain from using any type of unauthorized electronic or mechanical device during regular school hours and on school buses. Unauthorized electronic or mechanical devices shall include, but not be limited to: pagers, cellular telephones, I-Pods, computer games, cameras, musical devices, laser pointers, and other portable electronic devices. Students will be permitted the appropriate use of cellular phones on school property at school-sponsored activities before and after regular school hours. However, the use of any of the above mentioned devices may not interfere with any school activity.
12. Meet all expectations stated in the *Code of Student Conduct*.
13. Bring on the bus no large objects such as athletic equipment, large musical instruments, or “projects” for class. Small musical instruments and athletic equipment that can be held on the lap without blocking the aisle are permissible.

## 13 Trespassing

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### TR1 Trespassing

Trespassing on Hanover County Public Schools property is prohibited whether before school opens, during regular school hours, or after regular school hours.

Students are expected to have the appropriate authorization in order to be on Hanover County Public Schools property. Students who have been suspended or expelled from attendance at any Hanover County Public School will be considered to be trespassing if they come onto school property during the period of their suspension or expulsion without prior permission of the principal.

Any student who has been requested by school administrators to leave school property is expected to comply immediately. Failure to do so may be considered trespassing and criminal charges may be filed.

## 14 Vandalism

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VN1	<b>Vandalism of School Property</b>
VN2	<b>Vandalism of Private Property</b>
VN3	<b>Graffiti</b>

Students shall not maliciously or willfully injure, deface, or destroy school property or the personal property of others. The School Board may take action against a student for any actual breakage or destruction of or failure to return property, owned or under control of the School Board, caused or committed by such student.

### **1-10 Day Suspension from School**

The following misconduct **MAY** result in up to a maximum of ten (10) days suspension from school.

Maliciously or willfully cutting, defacing or otherwise damaging or destroying in any way property belonging to the school division or other persons.

### **Suspensions**

A suspended student may not enter any school building or come onto any school property during the period of suspension except with the prior permission of the principal. Any student who is suspended and who is also enrolled in a technical or vocational school shall be deemed suspended from the technical or vocational school. A student enrolled in a work cooperative program who is suspended also may be restricted from employment during the suspension.

### **In-School Suspensions**

A student may be assigned in-school suspension, where appropriate, as an alternative to out-of-school suspension by either the school principal, an assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may assign in-school suspension after giving the student oral or written notice of the charges against him/her, an explanation of the facts as known to school personnel, and an opportunity to present to student's version of what occurred. A student assigned to in-school suspension may be suspended out of school if he/she becomes disruptive and/or non-compliant.

### **In-School Suspension: Appeal Process**

- If the parent/guardian or student disagrees with an in-school suspension action taken by the assistant principal or teacher, the parent/guardian and/or student may appeal to the principal to review such action. The appeal must be submitted in writing within two (2) days of notification of the in-school suspension assignment. Failure to submit the appeal within this timeframe constitutes waiver of the right to appeal.
- The principal will review the action taken by the assistant principal or teacher and confirm or disapprove such action based on an examination of the record of the student and will notify the parent/guardian of the decision in writing within three (3) days.
- The decision of the principal will be final.

### **In-School and Bus Suspensions imposed by the principal:**

- If the parent/guardian or student disagrees with an in-school suspension action taken by the principal, the parent/guardian and/or student may appeal to the Disciplinary Hearing Review Officer to review such action. The appeal must be submitted in writing within two (2) days of notification of the in-school suspension assignment. Failure to submit the appeal within this timeframe constitutes waiver of the right to appeal.

- The Disciplinary Hearing Review Officer will review the action taken by the principal and confirm or disapprove such action based on an examination of the record of the student and will notify the parent/guardian of the decision in writing within five (5) days.
- The decision of the Disciplinary Hearing Review Officer will be final.

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

A student may be suspended for not more than ten (10) school days by either the school principal, any assistant principal, or, in their absence, any teacher. Upon suspension of any student, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the school division's Disciplinary Hearing Review Officer and to the parent or guardian of the student suspended. The principal, assistant principal, or teacher may suspend the student after giving the student oral or written notice of the charges against him/her, an explanation of the facts as known to school personnel, and an opportunity to present the student's version of what occurred. In the case of any student whose presence poses a continuing danger to persons or property, or whose presence creates an ongoing threat of disruption, the student may be removed from school immediately, and the notice, explanation of acts, and opportunity to present his/her version shall be given as soon as practicable thereafter.

Any oral or written notice to the parent/guardian of a student who is suspended from school attendance for not more than ten days shall include notification of the length of the suspension, information regarding the availability of community-based education programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program or alternative education program or educational option, which is not a part of the education program offered by the Hanover County Public Schools, shall be borne by the parent/guardian of the student. However, when such notice is given orally, the omission of any required information will not automatically be grounds for the reversal of the suspension.

A student suspended for a period of 1 to 10 days shall make up his/her work within 10 school days, beginning with and including the first day back at school. It shall be the responsibility of the student to initiate the effort necessary for making up work, but teachers shall provide such students the opportunity to do so.

**Short-Term Suspension: Appeal Process** (The student will remain suspended while the appeal is pending.)

- If the parent/guardian or student disagrees with a suspension action taken by an assistant principal or teacher, the parent/guardian and/or student may appeal the suspension to the principal or may petition the Disciplinary Hearing Review Officer to review such action. The appeal must be submitted in writing within two (2) days of notification of the in-school suspension assignment. Failure to submit the appeal within this timeframe constitutes waiver of the right to appeal. The principal will notify the parent of the appeal decision in writing within three (3) days.
- If the parent/guardian or student disagrees with a suspension action taken by the principal, including a principal's review of a suspension action taken by an assistant principal, the parent/guardian and/or student may appeal to the Disciplinary Hearing Review Officer to review such action. The appeal must be submitted in writing within two (2) days of notification of the in-school suspension assignment. Failure to submit the appeal within this timeframe constitutes waiver of the right to appeal.
- The Disciplinary Hearing Review Officer will review the action taken by the principal, assistant principal or teacher and confirm or disapprove such action based on an examination of the record of the student and will notify the parent/guardian of the decision in writing within five (5) days.
- The decision of the Disciplinary Hearing Review Officer will be final.

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

A student may be recommended for suspension from attendance at school for more than ten (10) days by a principal or assistant principal after the student and his/her parent/guardian have been provided written notice of the length of the recommended suspension, the reasons for the suspension, the right to a hearing before the Superintendent's designee (Disciplinary Hearing Review Officer), the right to appeal the decision of the Superintendent's designee to the full School Board, the appeal process to be followed, information regarding the availability of community-based education programs, alternative education programs or intervention programs, and



the student's right to return to regular school attendance upon the expiration of the suspension. A student suspended from attendance at school for more than ten (10) days shall be permitted to make up work missed during the suspension.

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

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

**Long-Term Suspension: Appeal Process** (The student will remain suspended while the appeal is pending.)

The Disciplinary Hearing Review Officer (DHRO) will conduct a hearing consisting of a process in which he or she receives evidence and hears testimony of witnesses presented by the student, parent/guardian, principal and other necessary parties invited by the DHRO to participate in the hearing. Within five (5) school days following the suspension hearing, the parent/guardian/student will receive written notification of the decision reached by the DHRO. If after receiving written notification of the student's suspension from school for more than ten (10) days, the student/parent/guardian do not agree with or is not satisfied with the decision reached in the hearing and wish to appeal the long-term suspension, the following process must be followed:

- The student/parent/guardian may present a written request to the School Board, appealing the decision of the DHRO. The request must be submitted to the DHRO within five (5) school days following the date of the written decision of the DHRO.
- The School Board shall review the student's record and issue its decision, either approving or altering the decision reached in the hearing before the DHRO, within thirty (30) days after the hearing before the DHRO.

**Expulsion**

A student may be expelled from attendance at school after receiving written notice from the School Board to the parent/guardian and student informing them of the following:

- proposed action;
- length of the expulsion;
- reason for the expulsion;
- rights of the student to a hearing before the School Board;
- availability of community-based programs for education, training and intervention programs;
- whether the student is eligible to return to regular school attendance or to attend an appropriate alternative education program approved by the School Board or an adult education program offered by Hanover County Public Schools during or following the expulsion, and the terms or conditions of such readmission. The parent/guardian of an expelled student is responsible for paying the costs of any community-based educational, training, or intervention programs that is not part of the educational program offered by the school division.
- If the School Board determines that the student is ineligible to return to regular school attendance or to attend, during the expulsion, an alternative education program or adult education program, the written notice shall advise the parents/guardians that the student may petition the School Board for

readmission to be effective one (1) calendar year from the date of the expulsion and the conditions under which readmission may be granted. Such petition will be reviewed by the division superintendent or the School Board. If the division superintendent denies such petition, the student may petition the School Board for review of such denial.

Recommendations for expulsion shall be based on consideration of the following factors: (1) the nature and seriousness of the violation; (2) the degree of danger to the school community; (3) the student's disciplinary history, including the seriousness and number of previous infractions; (4) the appropriateness and availability of an alternative education placement or program; (5) the student's age and grade level; (6) the results of any mental health, substance abuse, or special education assessments; (7) the student's attendance and academic records; and (8) such other matters as the division superintendent or his/her designee deems appropriate. However, no decision to expel a student shall be reversed on the grounds that such factors were not considered. The School Board may consider any of these factors as "special circumstances" when considering disciplinary action pursuant to Virginia Code §22.1-277.07 and §22.1-277.08.

An expelled student may not enter any school building or come onto any school property during the period of expulsion except with the prior permission of the principal.

### **Expulsion Related to Drugs and Alcohol**

The School Board shall expel from school attendance any student whom the School Board has determined, in accordance with the procedures set forth in this *Code of Student Conduct*, to have brought a controlled substance, including anabolic steroids, imitation controlled substance, marijuana, or other prohibited substance as defined in Virginia Code §18.2-247, onto school property or to a school-sponsored activity. A school administrator, or the School Board, may determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. In addition, the School Board may, by regulation, authorize the division superintendent or his/her designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the Code of Virginia. Nothing in this paragraph shall be construed to require a student's expulsion regardless of the facts of the particular situation.

### **Expulsion Related to Weapons and Destructive Devices**

Carrying, bringing, using or possessing any firearm, destructive device, or weapon in any school building, on school grounds, in any school-owned or -operated vehicle or at any school-sponsored event or activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action. The disciplinary sanction for bringing a weapon, firearm or destructive device to school, on a school-owned or -operated vehicle or to a school sponsored event or activity is expulsion for at least one year. A school administrator, or the School Board, may determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The division superintendent or his designee may conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. If a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set for the in Title 22.1, Chapter 14, Article 3 of the Code of Virginia. Nothing in this paragraph shall be construed to require a student's expulsion regardless of the facts of the particular situation. Violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

The JROTC shall not be prohibited from conducting marksmanship training when such training is a normal element of the program. The JROTC program may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

### **Exclusion**

- A student who has been expelled or suspended for more than thirty (30) days from attendance at school by a school board or a private school in the Commonwealth of Virginia or in another state, or for

whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by the Hanover County School Board, regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission. Such a student may be excluded after (i) written notice to the student and his/her parent(s)/guardian that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student and his/her parent to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his/her designee and the decision has been made to exclude the student from attendance.

- The decision of the division superintendent or his/her designee to exclude shall be final unless altered by the School Board, upon written petition to the School Board, within ten (10) school days following the decision, for a review of the record.
- In the case of a suspension of more than thirty (30) days, the term of the exclusion may not exceed the duration of such suspension.
- In excluding any such expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Virginia Code §22.1-277.06. The School Board shall not impose additional conditions for readmission to school.
- The School Board may permit or require excluded students to attend the alternative education program for the term of such exclusion.

#### **Procedure for Teacher to Remove Student from Class**

Prior to the removal of a student from class under this Policy, the following criteria must be met:

- The student's behavior is disruptive as defined in this *Code of Student Conduct* and in Virginia Code §22.1-276.01 as "conduct that interrupts or obstructs the learning environment."
- Removal of the student from the class is necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior.
- Teacher and/or administrative interventions have been attempted and failed to end the student's disruptive behavior.
- Notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators have been provided to the student's parents as described below.

When all the above criteria have been satisfied, teacher removal of a student from class shall be deemed appropriate.

#### **Requirements for Incident Reports**

No removal under this Policy shall occur unless two prior written incident reports have been filed with school administrators. Upon removal, the teacher shall file a "Student Removal Form" with school administrators and any other documentation to support the removal including, but not limited to, the previous two incident reports.

#### **Procedures for Written Notification of Student and Parents**

The teacher shall provide copies of any incident report and Student Removal Form to the student and his parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior continues. Such written notice shall be provided to the parent/guardian within twenty-four (24) hours of each incident. The teacher shall document, in writing, his/her attempts to request and encourage the parents to meet with school administrators and/or the teacher. Such notice and documentation shall be required for each incident report and student removal.

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

The principal shall determine the appropriate placement of a student removed from class by a teacher, and the principal shall establish the length of time (dates) the student shall remain removed from that class. The

principal has several options regarding the placement of a removed student including, but not limited to, the following:

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

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

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

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

- The teacher and principal shall discuss the teacher's objection to returning the student to class and the principal's reason for returning the student.
- The teacher, after meeting with the principal, may appeal the principal's decision to the division superintendent or his/her designee within one (1) school day. The incident reports and removal form must accompany the appeal. After discussion with the principal and teacher or receiving their written comments, the decision of the division superintendent or his/her designee shall be final. The decision shall be made within forty-eight (48) hours of the teacher's appeal. During the appeal process, the student shall not be returned to class, and the principal will determine an appropriate placement for the student.

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

### **Other Provisions**

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

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

### **Search and Seizure**

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, a student's locker, a student's automobile, and electronic devices a student possesses and/or uses and may seize any illegal, unauthorized, or contraband materials discovered in the search, consistent with applicable law.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of students and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate law, school policies and regulations, or which may be harmful to the school or its students. Lockers and other storage facilities are subject to periodic searches for any reason at any time without notice, without student consent, and without a search warrant.

To ensure a drug-and-alcohol-free learning environment for students and staff, school officials may, at their discretion, request assistance from a variety of available resources, including the School Resource Officers and DARE Officers, intervention counselors, the Hanover County Health Department, and the active and passive canine teams coordinated by the Hanover County Sheriff's Office.

The school administration also has the right to search any student when there is a reasonable basis to believe that the student possesses an item which violates law, school policies and regulations, or which may be harmful to the school or its students. In no event shall strip-searches of students be conducted.

At times, at the principal's discretion and in accordance with School Board policy and all applicable law, metal detectors may be used to assist school staff in ensuring the safety of students, school staff, and guests.

The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials will be notified.

### **Extracurricular Activities**

Extracurricular activities are those activities that supplement the regular school curriculum, do not carry credit towards graduation, and are joined voluntarily by students. Extracurricular activities are generally developed according to the needs and interests of students and may take the form of special interest groups, honor societies, publications, athletic teams, and other extensions of classroom work. All extracurricular activities are designed to promote character building qualities of participation and leadership. All school rules and regulations are in effect during extracurricular activities, whether held on campus or away from school. (Certain other extracurricular activities can be considered co-curricular and relate to a culminating activity directly related to classroom instruction like choral or band concerts/presentations.) Co-curricular activities are included in the extracurricular regulations. Students are not permitted to participate in organizations and engage in related activities to the detriment of their classroom work. All student organizations and extracurricular activities are under the supervision of the school principal or his/her designee and are officially recognized and sanctioned by the Hanover County School Board.

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

1. Students may not participate in or attend extracurricular activities during the specified period of an in-school or out-of-school suspension for violations of the *Code of Student Conduct*.
2. The principal, the coach, and/or the sponsor shall have the discretion to determine if a student is permitted to participate in the next scrimmage/game/activity following the completion of an in-school suspension, out-of-school suspension, or Saturday School assignment. Students on long-term suspensions (more than 10 days) for violations involving the use and/or possession of alcohol and/or illegal drugs are not allowed to participate or attend extracurricular activities for the period of the suspension **AND** for a period of 60 calendar days during which school activities take place from the date of the suspension, including summer vacation and school holidays. Long-term suspensions cause the student to lose participation privileges during that period, as well.
3. Each coach/sponsor will establish team/club rules which will be distributed and discussed with participants prior to the beginning of the activity. Students are expected to comply with team/club rules and could forfeit their eligibility through noncompliance.
4. Students must attend all scheduled classes or an approved school activity on the day of competition/activity to be eligible to participate in extracurricular activities on that day. The principal or his/her designee may make exceptions to this standard for students with extenuating and/or unusual circumstances.
5. Students assigned detention by teachers and/or administrators must report the detention to the coach or sponsor. The coach or sponsor will determine if any additional action is to be taken concerning the student's participation in the scheduled activity.

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

1. Students in grades 9-12 participating in interscholastic competition in any and all activities governed by VHSL rules shall meet the eligibility requirements of the Virginia High School League.

2. A public school student athlete who uses anabolic steroids not prescribed by a licensed physician shall be ineligible to participate for two (2) years in interscholastic sports.
3. Students in grades 6-8 participating in interscholastic competition shall meet the eligibility requirements and regulations of the Henrico-Hanover Middle School League Rules.

#### **Eligibility Relative to Court Disciplinary Action(s)**

1. School officials may suspend a student from participation in extracurricular activities who has been charged with a misdemeanor or felony involving violence, assaults on other individuals, use or possession of a weapon(s), possession/use and/or distribution of alcohol, and/or illegal drugs until disposition of the charges by the court.
2. The student must report the incident to the coach/sponsor who will present the facts as known to the school administration to determine eligibility for participation.
3. School officials may deny participation in all extracurricular activities to any student convicted or found "not innocent" of a misdemeanor involving violence, assault on other individuals, use or possession of weapons, use/possession and/or distribution of alcohol and/or illegal drugs. The student may appeal to the principal for reinstatement in other activities the semester following the incident.
4. Students found guilty or "not innocent" of any felony charges may be denied participation in extracurricular activities.

#### **Consequences for Violating the *Code of Student Conduct* for Extracurricular Activities**

1. Consequences for violating the *Code of Student Conduct* for participation in extracurricular activities are separate and apart from the consequences for violating the *Code of Student Conduct* for participation in school-related activities and programs.
  - a. Suspension from athletic events:  
Minimum Penalty - Loss of participation for the next two games/events or 20% of all scheduled games/events, whichever is less.  
Maximum Penalty - Loss of participation for the remainder of the sport's season and suspension from participation and attendance at all school extracurricular activities for 60 calendar days from the date of the suspension, including summer vacation and school holidays.
  - b. Suspension from activities:  
Minimum Penalty - Loss of participation for remainder of current grading period and next grading period.  
Maximum Penalty - Loss of participation for remainder of school year and suspension from participation and/or attendance at all school extracurricular activities for 45 school days.
2. The administration may decide that the minimum sixty (60) school day suspension from all school extracurricular activities does not include the try-out period for another school sponsored sport/activity.

#### **Administrative Procedures**

A student's privilege to participate in all or certain extracurricular activities and/or school sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular activities may be imposed in conjunction with other penalties. Parents/guardians and students shall be notified in writing of such suspension from extracurricular activities.

1. The coach/sponsor of the activity, in consultation with the appropriate administrator in charge of clubs/activities/teams or athletic directors, may suspend students from activities after having given them the right to be heard.
2. Students and/or their parents/guardians may appeal any actions taken pursuant to these regulations to the school principal. Parents/guardians/students may present a written request within three (3) school days after notification of the suspension, to the school principal to arrange for an appointment or phone

conference to appeal the extracurricular suspension. The school administration will send a written decision to the parent/guardian/student participant within five (5) school days of the appeal hearing.

### **Disciplinary Authority of School Board**

1. The School Board may, in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3 of the Code of Virginia, require any student to attend an alternative education program, if the student is identified for any of the following criteria:
  - charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the division superintendent pursuant to subsection G of Virginia Code §16.1-260;
  - found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the division superintendent pursuant to subsection G of Virginia Code §16.1-260;
  - found to have committed a serious offense or repeated offenses in violation of School Board policies; and,
  - suspended pursuant to Virginia Code §22.1-277.05 (long-term suspension), or expelled pursuant to Virginia Code §22.1-277.06 (expulsion, generally) or §22.1-277.07 (Gun-Free Schools Act) or subsection B of 22.1-277.

The School Board may require such student to attend such programs regardless of where the crime occurred.

2. Whenever any student commits any reportable incident as set forth in Virginia Code §22.1-279.3, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the division superintendent or his/her designee. Prevention and intervention activities shall be identified in the school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Acts of 1994. (Title IV- Safe and Drug Free Schools and Communities Act)
3. The School Board may require any student who has been found, in accordance with the procedures set forth in Title 22.1, Chapter 14, Article 3, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.
4. The division superintendent or his/her designee may require students to attend an alternative education program consistent with the provisions above after the following notices have been delivered:
  - written notice to the student and his/her parent that the student will be required to attend an alternative education program and
  - notice of the opportunity for the student or his/her parent to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such placement. The decision of the division superintendent or his/her designee regarding such alternative education placement shall be final unless altered by the School Board, upon written petition by the student or his/her parent within five (5) days of the date of the written notice, for a review of the record by the School Board.

Any student for whom the division superintendent has received a report pursuant to Virginia Code §16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of §16.1-260 may be suspended or expelled from school attendance pursuant to Virginia Code §22.1-277.

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

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

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

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

### **Reporting Duties of the Principal and Superintendent**

Except as may be prohibited by federal law, regulation, or jurisprudence, the principal will immediately report any act enumerated above that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal will report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

The principal or his/her designee shall also notify the parent of any student involved in an incident listed in the paragraphs of this section of the *Code of Student Conduct*, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law enforcement agency any act that may constitute a criminal offense committed by a student or school division employee on any school property or at any school-sponsored activity, including but not limited to the following:

- the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- the assault and battery, which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Virginia Code §18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- any conduct involving alcohol, marijuana, synthetic cannabinoids, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
- the illegal carrying of a firearm (as defined in Virginia Code §22.1-277.07) onto school property;
- any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Virginia Code §18.2-85, or explosive or incendiary devices, as defined in Virginia Code §18.2-433.1, or chemical bombs, as described in Virginia Code §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- any threats or false threats to bomb, as described in Virginia Code §18.2-83, made against school personnel or involving school property or school buses;
- the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge made against a student for such an incident; or
- any illegal possession of weapons, alcohol, drugs, or tobacco products.

**NOTE:** Any hazing incident that results in injury to a student must be reported by the school or school division to the locality's Commonwealth Attorney pursuant to the Code of Virginia §18.2-56.

### **Prevention and Intervention Activities**

Whenever any student commits any reportable incident as set forth in this policy, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his/her designee.



## **Communicating Code of Student Conduct to Students, Parents, and School Staffs**

Faculty and staff will be provided a copy of this student conduct Policy annually and receive an annual in-service regarding its content.

All students and parents/guardians will receive a copy of this *Code of Student Conduct* annually. Students and parents will be required to sign and return to the principal or his/her designee a statement indicating that they are aware of the Policy guidelines and sanctions for misconduct. The signed statement will be kept on file in the school office. Students will receive information about this Policy from teachers and/or other school personnel during student assemblies scheduled for that purpose.

This Policy will be reviewed at least annually and revised as necessary. The review should be completed no later than June of each year.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 18.2-248.1:1, 18.2-308, 18.2-308.1, 18.2-371.1, 22.1-209.1:2(D); 22.1-253.13:7(C)(3); 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.07:1; 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.1, 22.1-279.3; 22.1-279.3:1, 22.1-279.6, 22.1-279.7, 22.1-280.4; 46.2-323; 20 U.S.C §1415 (e)(3)(B)(i).

*Recodified: August 2000*

*Amended: June 12, 2001, June 11, 2002, June 10, 2003, June 24, 2004, July 12, 2005, July 10, 2006, July 10, 2007, July 8, 2008, October 14, 2008, July 14, 2009, July 13, 2010, June 14, 2011, June 12, 2012, January 8, 2013, June 11, 2013, July 8, 2014, July 14, 2015, June 14, 2016, June 13, 2017, August 8, 2017*

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

**Alternative Education Program** - A variety of educational services available to Hanover students and adults who have diverse learning needs, which shall include, but not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

**Arson** – Deliberately setting a fire on school property which endangers life, limb, or property.

**Assault** – The deliberate use of physical violence, which is intended to cause bodily injury to another; or the use of a dangerous object in an effort to cause bodily injury to another.

**Battery** – The actual infliction of bodily hurt on another, willfully or in anger, whether by the person's own hand or by some means set in motion by him or her.

**Bullying** – 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" does not include ordinary teasing, horseplay, argument, or peer conflict.

**Charged** – A petition or warrant has been filed or is pending against the student.

**Corporal Punishment** – The infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity. In addition, this definition shall not include physical pain, injury, or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control of the use of reasonable and necessary force as permitted by §22.1-279.1 of the Code of Virginia.

**Cyber Bullying** – Using information and communication technologies such as e-mail, cell phone text messages, instant messaging, defamatory personal web sites, defamatory online polling sites, and social media to support deliberate, hostile behavior intended to harm others. This behavior includes, but is not limited to impersonation, stalking, threats, coercion, taunting, and harassment.

**Destructive Device** – (i) Any explosive, incendiary or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or other similar device; (ii) any weapon, by whatever name known that will, or may be readily be converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed off shotgun or sawed off rifle as defined in §18.2-299 of the Code of Virginia or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this definition and from which a destructive device may be readily assembled. “Destructive device” does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Virginia Code §18.2-308.2:2.

**Drug Paraphernalia** – Those items listed in §18.2-265.1 of the Code of Virginia, including, but not limited to items such as pipes, bowls, bong, roach clips, syringes, needles and spoons.

**Disruptive Behavior** – A violation of School Board policies or regulations governing student conduct that interrupts or obstructs the learning environment.

**Exclusion** – The School Board’s denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

**Expulsion** – Any disciplinary action imposed by the School Board or a committee thereof, as provided in school board 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.

**Extortion** – Unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat of eventual physical injury or other harm to that person, to that person’s property, or to a third person.

**Fighting** – Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury.

**Firearm** – Any weapon prohibited on school property (including a school-division vehicle) or at a school sponsored activity pursuant to §18.2-308.1 of the Code of Virginia, or any weapon, including a starter gun, that will, or is designed or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. “Firearm” does not include any pneumatic gun, as defined in subsection E of Virginia Code §15.2-915.4.

**Gang** - A gang is an ongoing organization, association or group (i) having common characteristics, including but not limited to, initiation practices, hand signals, structured style of dress, specific geographic territorial claim or identifiable leadership; and (ii) consisting of one or more individuals who identify themselves as a group by a name or symbol and are involved in a pattern of recurrent criminal conduct.

Gang activity is defined as:

- a. wearing or distributing any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
- b. committing any act or omission, or using speech, either verbal or non- verbal (such as gestures or hand shakes) showing membership or affiliation in any gang;

- c. committing any act in furtherance of the interests of any gang, including: (a) soliciting, hazing, initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of the *Code of Student Conduct* and (d) encouraging other students to act with physical violence or disorderly disruptive behavior;
- d. any inappropriate behavior and/or activities which may be disorderly or disruptive or are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

**Hazing** – To recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

**Imitation Controlled Substance** – A pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size marking or package, or by representations made, would cause the likelihood that such a pill, capsule, tablet or substance in any other form whatsoever will be mistaken for a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana; or which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect. Imitation controlled substances include but are not limited to Spice, K2, synthetic cannabinoids and/or other imitation substances.

**Long-term Suspension** – Any disciplinary action whereby a student is not permitted to attend school for more than ten (10) school days but less than 365 calendar days.

**Look-Alike Weapon** – Any device that looks like a real gun or is a toy gun (i.e., water pistols)

**Medication** – Any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like.

**One Year** – 365 calendar days as required in federal regulations.

**Parent(s)** – any parent, guardian, or other person having control or charge of a child.

**Persistent** – 4 or more incidents in a year.

**Short-term Suspension** – Any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten (10) school days.

**School Property** – Any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

**School Resource Officer** – A certified law enforcement officer hired by the local law enforcement agency to provide law enforcement and security services to Virginia public elementary and secondary schools.

**Taunting** – Challenging or reproaching another person in a mocking or insulting manner, or ridiculing or teasing another person or persons.

**Threat** – An expression of intent to harm someone that may be spoken, written, or gestured, regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware the threat exists.

**Tobacco Product** – Any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and wrappings.

**Vapor Product** – Any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that can be used to produce vapor from nicotine, or other substance, in a solution or other form.

**Weapon** – includes:

- any stun weapon (as defined in Virginia Code § 18.2-308.1) or taser;
- any knife having a metal blade three inches or longer;
- any pistol, shot gun, revolver, rifle, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
- any dirk, bowie knife, switchblade, ballistic knife, machete, razor, slingshot, spring stick, metal knuckles, or blackjack;
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchahka, nun chuck, nunchaku, shuriken, or fighting chain;
- any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and may be known as a throwing star or oriental dart; or
- any weapon of like kind as those enumerated above that can reasonably be considered a weapon so as to inflict bodily harm, injury, or threat of harm or injury (this may include toy or imitation weapons).

## ACCOMPANYING REGULATIONS

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

### **REGULATION 7-3.1(A) REPORTING DATA**

#### **Generally**

Virginia Code §§22.1-65 and 22.1-280.1 require that the Virginia Department of Education collect information on crime, violence and substance abuse that takes place on public school property, on school buses or at school-sponsored events.

#### **Reporting Procedures**

As required by Virginia Code §§22.1-65 and 22.1-280.1, the principal of each school shall collect and maintain information on the events which occur on school property, on a school bus, or at a school-sponsored activity, and shall report the information semiannually to the division superintendent on dates established by the division superintendent. The division superintendent shall submit annually to the Virginia Department of Education, on forms provided by the Department, an aggregate report of such incidences by the last day of October or at other times as prescribed by the Department.

*Amended: June 24, 2004*

### **REGULATION 7-3.1 (B) PROCEDURES FOR QUESTIONING OF STUDENTS BY THIRD PARTIES**

Principals are to allow a child protective services worker with proper identification to interview a student who is an alleged victim of abuse and/or neglect. A private setting should be provided. Parental notification is the responsibility of the Department of Social Services and should not be done by school personnel.

Law enforcement officers may question students who are witnesses to a crime or victims of a crime during the school day, on school grounds, without the permission of the parents or guardian, provided that the law enforcement officer ascertains that the student is capable of consenting to, and the student does consent to, the interview. Student consent is not necessary when a law enforcement officer has a warrant for the arrest of a student. When a law enforcement officer makes contact with, or is contacted by, the school principal or his designee concerning the questioning of a student as a witness or victim, the following procedures should be followed:

1. The principal shall make an attempt to contact the parent or guardian of the student.
2. The student shall be called or escorted to the office by the principal. Under dangerous circumstances, the principal may ask the law enforcement officer to accompany him to the classroom to escort the student to the office.
3. A private place shall be provided for the conference/interview. The parent, child, and/or law enforcement officer may request that a staff member be present as an observer while the student is being questioned.
4. If the law enforcement officer removes the student from the school grounds, the principal shall contact the parent or guardian of the student and the division superintendent's office immediately.

When an incident occurs on school grounds during the school day that is potentially a crime under the law of Virginia, the principal should contact either the resource officer or the Hanover County Sheriff's Office immediately. The Sheriff's Office will follow all appropriate legal procedures in terms of advising students of their rights and conducting a thorough investigation. The principal should follow applicable School Board policy according to the *Code of Student Conduct* in determining the involvement of a student or students in the incident and the type of disciplinary action to be taken on the part of the school.

Principals are authorized by the School Board to recognize that certain misconduct that may constitute just cause for suspension or expulsion may also constitute probable cause that a state or federal law has been violated. A principal shall impose penalties provided by School Board policy for misconduct and shall seek through the appropriate legal means criminal adjudication of the misconduct.

School administration and law enforcement officials will make every effort to work cooperatively with the least possible disruption to either the schools or the Sheriff's Office.

*Amended: June 24, 2004, July 12, 2005, July 10, 2006, June 14, 2011*

### **REGULATION 7-3.1 (C) USE OF METAL DETECTORS**

Weapons or explosives of any kind are prohibited on school property including school buses or vehicles and at school bus stops, in school buildings or at school-related functions. Possession of weapons or explosives is a violation of School Board policy, federal and state law and will subject an individual to disciplinary action and possible criminal penalties. The administration possesses the authority to take all reasonable, necessary and proper steps, including but not limited to the use of stationary or mobile metal detectors provided by law and School Board policy and regulation to safeguard students, employees and property of the Hanover County School Board. The purpose of the metal detector scan is to prevent and deter individuals from carrying weapons and explosive devices onto School Board property or into school-sponsored events/activities. At all times, the degree and nature of the inspection are not to exceed that which is necessary to allow staff to discharge their responsibility in ensuring the safety of persons and property.

1. The division superintendent or building principal in a non-delegable duty shall approve the use of metal detectors in school, on school property or in preparation for or during specific school activities at sites other than school division property.
2. Only personnel trained in the use of metal detectors shall be authorized to conduct metal detector screenings. Training for personnel shall be arranged through the division superintendent's office.
3. Signs shall be posted to notify all persons that, as a condition of entrance to the school or school-related activity, they will be required to pass through or submit to a metal detector screening.
4. When a metal detector is being used, all individuals who wish to enter the school or school-related activity shall use only the facility entrances designated.
5. School officials may search a particular individual(s) when there is a reasonable assumption to believe that the individual(s) is in possession of weapons or explosives.
6. If a metal detector activates on an individual, the individual will have the option of removing the item which caused the alarm and being scanned with a hand-held wand, or receiving a refund and exiting the premises. Individuals failing to comply with the safety procedures prescribed for Hanover County Public Schools athletic events will be refused entry.
7. Any briefcase, knapsack, purse, parcel or other package causing the activation of a metal detector shall be subject to inspection.
8. All property removed from a person as a result of this procedure and not defined as contraband shall be returned to the person. Property which is defined as contraband, even though it may not have been capable of activating the metal detector, shall be confiscated and turned over to the Hanover County Sheriff's Office or other appropriate agency for proper handling. Any contraband seized by school personnel pursuant to this regulation may be admissible in any subsequent criminal proceeding. The student or employee in violation of the policies, rules and regulations of the Hanover County School Board shall be disciplined in accordance with the rules of the regulations of the School Board, regardless of whether criminal proceedings are pursued.

Any student or employee who refuses to cooperate with personnel performing their duties under this regulation may be subject to discipline in accordance with School Board policy and regulation and required to leave school property. Any person who refuses to cooperate with personnel performing their duties under this regulation shall be required to leave school property.

*Adopted: September 11, 2001*

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

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

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

*Adopted: July 14, 2009*