

STANDARDS OF STUDENT CONDUCT AND ATTENDANCE

Adopted by the Floyd County School Board on June 29, 2010.

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Student Conduct (excerpt from Policy JFC)

The standards of student conduct are designed to define the basic rules and major expectations of students in the public schools of Floyd County. It is the responsibility of the Floyd County School Board to adopt policy and regulations and the administration to issue regulations establishing rules of conduct for student behavior in order to protect the health, safety, and welfare of its students. The Floyd County School Board shall biennially review the model student conduct code developed by the Board of Education to incorporate into policy a range of discipline options and alternatives to preserve a safe and non-disruptive environment of effective learning and teaching.

The backbone of education is discipline which supports instruction. Public education involves students from varied backgrounds, and while the school allows for individuality and growth, it must have rules to function effectively. The purpose of this publication is to provide students, parents, school personnel and the public with a clear description of the minimum standards of behavior for every child enrolled in the Floyd County Public Schools. It defines appropriate student conduct and presents possible actions that may be employed by school personnel to address individuals who exhibit inappropriate behavior.

Cooperation between home and school is strongly emphasized.

Responsibility of the Superintendent:

The Superintendent shall issue Standards of Student Conduct and a list of possible corrective actions for violation of the Standards of Conduct. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards 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. The Standards of Student Conduct, a notice of the requirements of section 22.1-279.3 of the Code of Virginia, 1950, as amended, and a copy of the compulsory school attendance law shall be sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of the Standards of Student Conduct, the requirements of Va. Code § 22.1-279.3, and the compulsory school attendance law shall also be sent. Parents shall be notified that by signing the statement of receipt, parents are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements.

Responsibility of the Principal:

The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or his designee to review the School Board's Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

Responsibility of the Faculty and Staff:

The classroom teacher has the major responsibility for classroom management. Students have the right to expect an educational environment in which they can strive to achieve their intellectual potential. The local school principal has the responsibility and authority to exercise reasonable judgment in enforcing the Code of Conduct.

Responsibility of Students:

Each student has the right to expect an educational environment in which he or she can strive to

achieve his or her intellectual potential. The student is expected to attend school regularly, be diligent in his/her studies and conduct him/herself in such a way that the rights and privileges of others are not violated. The student is expected to accept and demonstrate the obligation of good citizenship to help prevent problems from happening and help solve problems if they occur. Students are subject to corrective action for any misconduct that occurs:

In school or on school property

While waiting for or riding in a school bus or other school vehicle

While participating in or attending any school sponsored activity or trip

On the way to or from school or the bus stop

Off school property, when the acts lead to: (1) an adjudication of delinquency pursuant to VA Code 16.1-305.1 or a conviction for an offense, or (2) a charge that would be a felony if committed by an adult.

Description of Student Behavior

Students will do the following:

1. Attend all classes regularly and punctually.
2. Respect the rights and property of others.
3. Resolve conflicts peacefully.
4. Use appropriate and acceptable language.
5. Respect the rights of other students to learn.
6. Conduct themselves properly at local school-sponsored events, as well as interscholastic events and public performances at other schools.
7. Make appropriate use of school property and equipment.
8. Observe all school regulations prohibiting the use and/or possession of drugs, alcohol, or tobacco on school property.
9. Conduct themselves properly on school buses.
10. Conduct themselves in an orderly and self disciplined manner while in class or in their movement throughout the facilities.

Responsibility of Parents/Guardians:

1. Parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance.
2. Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance, and bring to the attention of the school authorities any problem that affects the student or other children in the school.
3. It is the parent's responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

§22.1-279.3 of the *Code of Virginia* contains provisions addressing parental responsibility and involvement that are intended to promote proper student conduct. Through the enactment of this legislation, the Assembly has asserted its position that parents do not relinquish their responsibility for disciplining or managing their children while they are attending public schools. Rather, parents must work in partnership with school administrators to maintain a safe and orderly school environment. Most of our parents are involved and support our schools, helping to create the environment that is necessary to promote learning. Consequently, we recognize that we will not need to resort to the enforcement provisions in this legislation unless a parent willfully and unreasonably fails to meet their responsibility as outlined below. Rather, this legislation provides us with an additional tool for involving all our parents in assisting us in maintaining a safe school environment.

- Within one month of the opening of school, the school board must send to parents a copy of these requirements and a copy of the school board's Standards of Student Conduct and Attendance.
- Parents must sign and return a statement acknowledging the school board's Standards of Student Conduct and Attendance and recognizing their responsibility to assist the

school in disciplining their student. The statement must acknowledge that failure to so participate could result in court action against the student and parent.

NOTE: Signing of the statement of receipt does not waive, but expressly reserves, the parent's rights protected by the constitutions or laws of the United States or Commonwealth of Virginia. The statement acknowledges receipt of the Standards of Student Conduct and Attendance and the notice of the requirements of this section. However, parents have the right to express disagreement with a school's or school division's policies or decisions. Parents continue to maintain the right to appeal a suspension or expulsion under §22.1-277 of the Code of Virginia.

- Each school must maintain records of the signed statement.
- Principal is authorized to request that the student's parent meet with the principal or designee to review the School Board's Standards of Conduct and the parent's responsibility to participate in disciplining the student and maintaining order, and to discuss improving the student's behavior and educational progress.
- Principal is authorized to notify the parents when the student violates the school board policy that could result in a suspension, whether or not the administration has imposed such action. The notice must state the date and particulars of the offense, the parent's obligation to assist the school in improving the student's behavior. However, the principal or designee is authorized to readmit the student without the parent conference if it is appropriate for the student.
- If parents fail to comply with these requirements, the school board may petition the juvenile and domestic relations court to proceed against the parents for willful and unreasonable refusal to participate in efforts to improve the student's behavior.
- If the court finds that a parent has willfully and unreasonably failed to meet, pursuant to a request of a principal, to review the School Board's Standards of Student Conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or
- If the court finds that the parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials, or upon the student's receiving a second suspension or being expelled, it may order (1) the student or his/her parent to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior or (2) the student or his/her parent to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his/her parent.

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance. Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance, and bring to the attention of the school authorities any problem that affects the student or other children in the school. It is the parent's responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

The school principal may notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed any disciplinary action or filed such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

The principal or his designee shall notify the parent of any student involved in an incident required to be reported to the Superintendent and Virginia Board of Education.

No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.

If a parent fails to comply with the requirements of this policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent in accordance with the requirements of the Code of Virginia.

Statement of Position

It should be emphasized that the Standards of Student Conduct and Attendance exists to support and strengthen the teaching/learning process. Discipline will be fully and uniformly administered in all instances in which behavior rules have been violated, individual rights have been infringed upon, and in which the learning process has been willfully and intentionally disrupted. **All suspensions from school are unexcused unless otherwise stated.** Any conduct of a student, which interferes with a scholarly learning environment, constitutes a breach of discipline. Such conduct includes the violation of state law, federal law, Floyd County School Board policies, and/or school rules and regulations.

Specific Standards of Student Conduct (excerpt from JFC-R)

The following are standards of student conduct established by the board for all students under its jurisdiction. Consequences shall be determined on the basis of the facts presented in each instance of misconduct in the reasonable discretion of the Board, its designated committees and other appropriate school officials.

Student Dress - A student's dress and appearance should not be such that it causes disruption distracts others from the educational process or creates a health or safety problem. Students must comply with specific building dress regulations and of which students will be given prior notice.

Unexcused Absence or Tardiness - Students shall not be absent from or report late to class or school without appropriate parental permission, school permission or an otherwise valid excuse.

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

Disruptive Conduct - Students shall not engage in conduct that is or is intended to be disruptive of any school activity, function or process of the school or is dangerous to the health or safety of students or others.

Profane or Abusive Language - Students shall not use language, a gesture or engage in conduct that is vulgar, profane, obscene or disrupts the teaching and learning environment.

Threats or Intimidation - Students shall not make any verbal, written or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason. This includes the delivery of messages that may result in confrontation with others.

Assault and Battery - A student shall not assault or commit battery upon another person. Voluntary fighting resulting in physical injury to another person shall be considered assault and battery. Physical assault includes any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, hitting and fighting. Battery is the unlawful application of force to the person of another.

Bullying – A student, either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems individually or as a part of a group, shall not harass or bully others. Prohibited conduct includes, but is not limited to, physical, verbal or written intimidation, taunting, name-calling, and insults and any combination of prohibited activities. Prohibited conduct includes verbal conduct consisting of comments regarding the race, gender, religion, physical abilities or characteristics or associates of the targeted person.

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

Use and/or Possession of Alcohol, Tobacco, Anabolic Steroids, and Other Drugs - A student shall not possess, use, and/or distribute alcohol, tobacco and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look-alike drugs, drug paraphernalia, and any prescription or nonprescription drug not possessed in accordance with Policy JHCD. A student shall not possess, procure, or purchase or attempt to possess, procure, or purchase, or be under the influence of (legal intoxication not required), or use or consume or attempt to use or consume, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed in this regulation or what the student believes is any of the restricted substances in this regulation. This policy incorporates Policy JHCF.

Restricted Substances include alcoholic drinks, marijuana, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act, as well as any abusable glue, paint and similar materials, anabolic steroids and both prescription and non-prescription drugs if they are not taken according to the prescription or directions on the package, and includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the division superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

Distribution or Sale of Illegal Drugs or Possession or Distribution with Intent to Sell - Students shall not manufacture, give, sell, distribute or possess with intent to give, sell or distribute marijuana or other controlled substance as defined in the Drug Control Act, Chapter 15.1 of Title 54 of the *Code of Virginia*.

Vandalism - Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board, or belonging to or under the control of any other person. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events.

Defiance of the Authority of School Personnel - Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by board policies and regulation.

Possession or Use of Weapons or Other Dangerous Articles - Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such. This policy incorporates policy JFCD.

Theft - A student shall not intentionally take the personal property of another person without consent, under duress, threat or otherwise.

Behavior on School Bus - Students shall not behave in a disruptive manner or otherwise violate these Standards of Conduct while waiting for a school bus, while on a school bus, or after being discharged from a school bus.

Cheating - Students shall not cheat, plagiarize or knowingly make false statements with respect to any assigned schoolwork or tests.

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

Gang Activity - A student shall not engage in gang activities as defined in Policy JFCE, including any group activity that threatens, that is illegal and/or violent, or that portends the development of gang activity, which may include inappropriate congregating, bullying, and harassment.

Harassment - A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions in violation of Policy JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin, Disability or Religion.

Electronic Devices – Upon entering any school building from the beginning bell until the ending bell use of certain types of electronic or mechanical devices is prohibited. These shall include, but are not limited to, MP3 players, pagers (beepers), CB radios, cellular phones, digital cameras, video transmission devices, boom boxes, Walkmans, Game Boys or other electronic games, or the representation thereof, or any similar electronic devices developed in the future. These items will be confiscated by the school administration and maintained for the duration of the disciplinary process. Students must assume responsibility for personal property at all times. Theft of personal property may be reported to school law enforcement individuals. Virginia Code Section 22.1-279.6 authorizes the school board to regulate the use of beepers or other portable communication devices on school property and at school functions.

Using cell phones to video at any time on the school bus or during the school day is prohibited and could result in severe disciplinary action.

Possession, production of, or reproduction of child pornography is subject to criminal charges. Any student caught with possession of pictures that contain pornography on their cell phones or any electronic device could be subject to school suspension as well as criminal charges.

Reports of Conviction or Adjudication of Delinquency Pursuant to § 16.1-305.1 – Students convicted or adjudicated delinquent of an offense listed in the *Code of Virginia, 1950 as amended*, § 16.1-305.1, may be suspended or expelled.

Laser Pointers – Students shall not have in their possession laser pointers.

Acceptable Use of the Internet – Students shall abide by the Floyd County School Division's Acceptable Computer Use Policy and Regulation.

Felony Charges – Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/intervention activities.

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

Hazing - Students shall not engage in hazing. Hazing means to recklessly or intentionally endanger the health or safety of a student or students or inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. The principal of any school at which a hazing occurs which causes bodily injury shall report the hazing to the local Commonwealth Attorney. The provisions of the criminal law prohibit hazing, which renders convictions of violations a Class 1 misdemeanor, i.e., confinement in jail for not more than 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. See VA Code 18.2-56.

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

Procedural Rules for Dealing with Disciplinary Violations (excerpt from Policy JFC-R)

Corrective Actions

The following corrective actions are among those available to the school administration for violation of the Standards of Student Conduct. Each offense will be considered fully in determining reasonable corrective actions.

1. Counseling
2. Admonition
3. Reprimand
4. Loss of privileges, including access to the school division's computer system
5. Parental conferences
6. Tasks or restrictions assigned by the principal or his/her designee
7. Detention after school or before school
8. Suspension from school-sponsored activities or events prior to, during, or after the regular school day
9. In-school suspension
10. Out-of-School suspension
11. Referral to an alternative education program
12. Notification of legal authority where appropriate
13. Recommendation for expulsion
14. Mandatory expulsion for bringing a firearm to school property or to a school sponsored activity or use or possession of a controlled substance, imitation controlled substance or marijuana as defined in Chapter 34 of Title 54.1 and §18.2-247 of the *Code of Virginia*, on school property or at a school sponsored activity
15. Evaluation for alcohol or drug abuse
16. Participation in a drug, alcohol or violence intervention, prevention or treatment program

Whenever an infraction occurs, the principal shall have the right to use other forms of disciplinary measures if the above corrective actions do not fit the infraction.

I. Student Dress (excerpt from Policy JFC-R)

The Floyd County School District believes that good grooming and personal appearance are essential elements in the teaching and learning process, and that student appearance is a direct reflection of the school and the community. **Grooming and dress must not distract or interfere with the educational opportunity of other students.** Dress and personal appearance should not draw unnecessary attention to the extent it is disruptive or potentially disruptive. Principals and other administrators have the authority to use discretionary judgment to prohibit such dress based on past or current circumstances.

Unless otherwise stated, this dress code applies to normal school hours; however, such rules and regulations may be enforced at any school function or activity where the wearing of such dress is inappropriate for the type of activity, or such dress is determined to be disruptive or dangerous. Rules and regulations apply to all students, unless exceptions are granted due to a student's disability, medical condition, or other exceptions approved by the Principal.

The administration will be the final judge about whether a student's clothing is appropriate for school or whether it will create an environmental climate that is distracting to learning. Principals, faculty, and staff members will enforce the dress code.

Basic Guidelines

1. Appropriate dress for students must be worn that does not reveal the body in an inappropriate manner. No cleavage, midriff, or underwear may show.
2. Clothes shall be worn as they are designed – suspenders over the shoulders, pants secured at the waist, belts buckled, no underwear as outerwear, no underwear exposed, and no spaghetti straps.
3. Clothing and accessories such as backpacks, hats, patches, jewelry, and notebooks must not display:
 - a. Racial or ethnic slurs/symbols,
 - b. Gang affiliations,
 - c. Vulgar, subversive, or sexually suggestive language or images nor should they promote products which students may not legally buy such as alcohol, tobacco, and illegal drugs.
4. Gang paraphernalia, jewelry, chains, bandanas, tattoos or other insignias which display, suggest, or provoke violence or disruptions are not allowed.
5. Appropriate undergarments must be worn.
6. Shorts, skirts, and dresses too short in length are not allowed. A general guide to the length is that the item should fall below the tips of the fingers when arms are fully extended to the side. However, due to physical differences in some students, this guide may mean some items are still too short.
7. Clothing normally worn when participating in a school sponsored extra curricular, gym class or sports activity may be worn to school when approved by the sponsor, coach or principal. Examples would be cheerleader, drill team and band uniforms, team shirts, etc.
8. Non-prescriptive glasses or sunglasses will not be permitted to be worn within the building except as required for shop or science classes.
9. Hair must be worn in a way that is not disruptive to the school environment.
10. For health and safety, appropriate footwear must be worn at all times – bare feet are not acceptable.

Students in violation of this policy will be referred to the office and parents will be called to bring the proper school attire. If parents cannot be reached, students will be placed in an alternative setting. Students shall not attend classes inappropriately dressed. Repeat offenders (more than twice) of the dress code will be subject to disciplinary action.

II. Compliance with Directions

A student shall comply with all directions of teachers, student teachers, substitute teachers, principals, other school administrators, bus drivers, paraprofessionals, teaching aides, secretaries, cafeteria workers, custodians, volunteers, or other authorized personnel during any period of time when he/she is properly under the authority of school personnel.

Actions Taken - one or more of the following may apply:

Conference with student/parent(s)

Referral to counseling/student assistance program
Exclusion from attendance at extra curricular activities
In-school disciplinary program/out-of-school suspension/expulsion
Referral to School Resource Officer/law enforcement

III. **Integrity**

Students are expected to perform honestly on any assigned schoolwork or tests and to show respect for the belongings of others.

The following actions are prohibited. Students shall not:

- A. Cheat on a test or assigned schoolwork by giving, receiving, offering, and/or soliciting information.
- B. Plagiarize by copying the language, structure, idea, and/or thoughts of another.
- C. Falsify statements on any assigned schoolwork, tests, or other school documents
- D. Steal the personal property of another person.
- E. Use technology for any unauthorized use.

Actions Taken - one or more of the following may apply:

Conference with student/parent(s)
Before/after school detention
Referral to counseling/student assistance program
Referral to School Resource Officer/law enforcement
Referral to court system
In-school disciplinary action
Revocation of technology access/privileges
Out-of-school suspension
Expulsion

IV. **Damage or Destruction of Private Property**

A student shall not cause or attempt to cause damage to private property or school property, nor steal private or school property either on the school grounds or during a school-sponsored activity. Damage or theft involving private or school property may be a basis for long - term suspension or expulsion from school, prosecution in the courts, or civil suits. Monetary restitution will be required for any property damage. The school board may institute action and recover from the parents of any minor, damages suffered by reason of the willful or malicious destruction or damage to public property by such minor. Up to \$2,500 may be recovered from the parents as a result of any incident or occurrence on which such action is based. In addition, the student will be subject to whatever disciplinary action is deemed necessary and advisable by the student's principal. Code of Virginia 18.2-138 Damage to Public Buildings, etc

Actions Taken - one or more of the following may apply:

Restitution for damaged/destroyed property
Conference with student/parent(s)
Referral to counseling/student assistance program
Threat assessment
Community service
Referral to School Resource Officer/law enforcement
Out-of-school suspension
Expulsion

V. Verbal and Physical Abuse

The following acts are prohibited:

1. Physical Abuse - Hitting, tripping, kicking, shoving, scratching, biting, blocking the passage of, or throwing objects at an individual with the purpose of causing harm.
2. Incitement or Instigation of Fighting - Actions or written messages intended to cause others to fight or which may result in a fight.
3. Fighting - Striking a student with the purpose of causing harm or injury (This action may extend to mutual shoving, wrestling, or other aggressive actions which could result in the danger, harm, or injury to either party, bystanders, or school property).
4. Assault on a Student - the willful use of physical violence, which is intended to result in serious bodily injury; or the use of a dangerous object in an effort to cause serious bodily injury.
5. Assault on a Floyd County School Board Employee/Other Adult - Intentional physical violence directed toward a school board employee or other adult with intent to cause bodily harm.
6. Threats - Conveying by gestures, notes, or verbal comments to or about a student/adult with the intent to cause bodily injury or to deprive the student/adult of his/her rights.
7. Extortion - Willful use of physical or verbal threats or physical abuse intended to result in an involuntary transfer of money or property to another person.
8. Obscenity - Cursing or using abusive language including remarks intended to demean a person's race, religion, sex, national origin, disabling condition, or intellectual ability (This includes actions or displays of clothing or adornments which themselves convey sexually suggestive or indecent messages).

Violation of these rules will be a basis for suspension or expulsion from school, referral to the local sheriff's department, prosecution in the courts, or civil suit.

VI. Bullying

Bullying is defined by research and Olweus programming as: "A student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other students."

A student either individually or as part of a group, shall not harass or bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting name-calling, and insults and/or any combination of prohibited activities. Prohibited conduct includes verbal conduct consisting of comments regarding race, gender, religion, physical abilities or characteristics or associates of the targeted person. At the elementary level, after three occurrences of bullying viewed by or reported to the classroom teacher (with escalating sanctions from the teacher), on the fourth occurrence the bullying student will be sent to the principal. At this time the reported "first offense" will merit the student the three (3) day suspension.

Elementary:

First Offense:

1. The student will receive three (3) days out-of-school suspension (unexcused).
2. A parent must accompany student upon return to school.

Second Offense:

1. The student will receive (5) days of out-of-school suspension (unexcused).
2. A parent must accompany student upon return to school.

Third Offense:

1. The student will receive (10) days of out-of-school suspension (unexcused).
2. A parent must accompany student upon return to school.

Secondary:

First Offense:

1. The student will receive three (3) days out-of-school suspension (unexcused) or longer depending upon the seriousness of the offense.
2. A parent must accompany student upon return to school.

Second Offense:

1. The student will receive (5) days of out-of-school suspension (unexcused) or longer depending upon the seriousness of the offense.
2. A parent must accompany student upon return to school.

Third Offense:

1. The student will receive (10) days of out-of-school suspension (unexcused).
2. A parent must accompany student upon return to school.

VII. Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion (JFHA/GBA)

Policy Statement

The Floyd County School Division is committed to maintaining a learning/ working environment free from sexual harassment and harassment based on race, national origin, disability or religion. Therefore, Floyd County School Division prohibits sexual harassment and harassment based on race, national origin, disability or religion of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel sexually, or based on race, national origin, disability or religion. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability or religion by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes, school board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The School Division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability or religion; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

Definitions

A. Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or
- (ii) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- (iii) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute sexual harassment if it meets the immediately preceding definition include:

- unwelcome sexual physical contact.
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks.
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- graphic comments about an individual's body.
- sexual jokes, notes, stories, drawings, gestures or pictures.
- spreading sexual rumors.
- touching an individual's body or clothes in a sexual way.
- displaying sexual objects, pictures, cartoons or posters.
- impeding or blocking movement in a sexually intimidating manner.

B. Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct relating to an individual's race, national origin, disability or religion when the conduct:

- (i) creates an intimidating, hostile or offensive working or educational environment; or
- (ii) substantially or unreasonably interferes with an individual's work or education; or
- (iii) otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language.
- name calling, jokes or rumors.
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion.
- hostile acts which are based on another's race, national origin, religion or disability.
- written or graphic material which is posted or circulated and which intimidates or

threatens individuals based on their race, national origin, disability or religion.

Complaint Procedure

A. Formal Procedure

1. File Report

Any student or school personnel who believes he or she has been the victim of sexual harassment or harassment based on race, national origin, religion or disability by a student, school personnel or a third party should report the alleged harassment to the school principal or Division Superintendent who is the compliance officer. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the compliance officers designated in the policy or to any school personnel. Any school personnel who have notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the school principal or the compliance officer designated in this policy.

The reporting party should use the form, Report of Harassment, JFHA-E, to make complaints of harassment. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or the compliance officer designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the compliance officer. Any complaint that involves the principal shall be reported to the compliance officer.

The complaint, and identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

2. Investigation

Upon receipt of a report of an alleged prohibited harassment, the compliance officer shall immediately authorize or undertake an investigation which shall be completed as soon as practicable. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation should be no later than 14 calendar days after receipt of the report by the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance officer determines that more than 14 days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG.

The investigation may consist of personal interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The compliance officer shall issue a written report upon completion of the investigation. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

3. Action by Compliance Officer

Within 5 calendar days of issuing a written report, the Superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the Superintendent or designee determines that prohibited harassment occurred, the Floyd County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Superintendent or designee determines that prohibited harassment occurred, the Superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant received counseling.

4. Appeal

If the Superintendent or designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the Superintendent and any other individual the School Board deems relevant.

If the Superintendent or designee determines that prohibited harassment occurred and discipline is imposed, the discipline person may appeal the disciplinary sanction in the same manner as any other sanction would be

appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

5. Compliance Officer and Alternate Compliance Officer

The Floyd County School Board has designated Terry Arbogast, Superintendent, 140 Harris Hart Road NE, Floyd, VA 24091, (540) 745-9400, as the Compliance Officer responsible for identifying, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer, Linda Petrie, Director of Instruction, 140 Harris Hart Road NE, Floyd, VA 24091, (540) 745-9400. The Compliance Officer shall:

- receive reports or complaints of harassment;
- oversee the investigation of any alleged harassment;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy;
- insure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity, including the authority to protect the alleged victim and others during the investigation.

B. Informal Procedure

If the complainant and the person accused of harassment agree, the student's principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator.

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The School Division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings.

Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

Prevention and Notice of Policy

Training to prevent sexual harassment and harassment based on race, national origin, disability and religion should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Actions Taken - one or more of the following may apply:

Conference with student/parent(s)
Threat assessment
Referral to counseling/student assistance program
Before/after school detention
Loss of privileges
In-school disciplinary action
Referral to School Resource Officer/law enforcement
Out-of-school suspension
Expulsion

VIII. Weapons In School (excerpt from Policy JFCD)

I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action. The disciplinary sanction for bringing a firearm to school or to a school sponsored activity is expulsion for at least one year in accordance with Policy JGD/JGE. Violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, revolver, or other firearm listed in section 22.1-277.07(E), of the Code of Virginia, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun,
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- spring sticks,
- brass or metal knuckles, blackjacks,
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain,
- any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in section 22.1-277.07(E), of the Code of Virginia, or other dangerous articles.

II. Students with Disabilities

- A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA will be followed in addition to the regular disciplinary procedures.
- B. Additional authority to remove a student with a disability from school for a weapons violation.
 1. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.
 2. For purposes of this forty-five (45) school day removal, the weapon must meet the following definitions:

“a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.”

The exemptions set out in §18.2-308 shall apply, mutates mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities, (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose, (iii) persons who possess such weapon or weapons as part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises, (iv) any law-enforcement officer while engaged in his duties as such, (v) any person who possesses a knife or blade which he uses customarily in his trade, or (vi) for the purposes of this section “weapon” includes a knife having a metal blade three inches or longer.

IX. Reproduction of Copyrighted Materials (refer to Policy EGAA)

The reproduction and use of copyrighted materials, including computer software, electronic materials, video tapes, compact discs, laser discs and other non-print materials, are controlled by federal law. In general, copyright owners have the exclusive right to use, reproduce, and modify their materials. Federal law does provide limited exceptions to this general rule which permit the reproduction and use of copyrighted materials in some circumstances. The superintendent is responsible for promoting an understanding of the applicable law among staff members and students.

The division encourages its staff and students to enrich the educational experience by making proper use of supplementary materials. However, each staff member and student is responsible for complying with copyright law and with any regulations or procedures developed by the Superintendent. Any employee or student who is uncertain as to whether reproducing or using copyrighted materials complies with the division procedures or is permissible under law should contact the Director of Instruction who will provide clarification and assist staff members and students in obtaining proper authorization to copy or use protected material when such authorization is required.

At no time will it be necessary for a staff member to violate copyright laws in order to properly perform his or her duties. At no time will it be necessary for a student to violate copyright laws in order to complete any assigned work. For staff members, violation of copyright laws or division requirements may result in discipline up to and including termination of employment. For students, violation of copyright laws or division requirements may result in discipline up to and including suspension or expulsion.

X. Drugs in School (refer to Policy JFCF)

The unlawful manufacture, distribution, dispensation, possession, use or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance as defined in the Drug Control Action of chapter 15.1 of Title 54 of the Code of Virginia and as defined in schedules I through V of 21 USC ' 812, imitation controlled substance or drug paraphernalia is prohibited. "Drug paraphernalia" shall mean those items described in § 18.2-2.265.1 of the Code of Virginia and "imitation controlled substance" shall mean 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, is intended to lead or would lead a reasonable person to believe that such pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

The improper use of inhalants and/or "over-the-counter" medication is prohibited.

Actions Taken - one or more of the following may apply:

- Conference with Student/Parent(s)
- Referral to School Resource Officer/Law Enforcement
- Referral to counseling/Student Assistance Program
- Out of School Suspension
- Expulsion

XI. Student Conduct on School Buses (refer to Policy JFCC-R)

In the interest of the safety and welfare of school bus passengers, the School Board desires the Superintendent of schools and his designees to establish and enforce strict school bus discipline and safety regulations. Students who do not conform to all regulations and directives concerning discipline, safety and conduct or whose behavior could be detrimental to the safety or welfare of others or the safe operation of the bus may have their bus riding privileges suspended or revoked in accordance with this policy.

The Floyd County School Board recognizes that pupil transportation is a **privilege**, not a right, and the Floyd County School Board requires students to follow standards, which ensure the safety of all concerned. Regulations have been developed governing student conduct while on school buses and in loading and unloading areas. Students may be videotaped at anytime on the school bus.

The school principal may suspend or revoke the riding privileges of students and/or take other disciplinary actions for students who are disciplinary problems on the bus. Parents (or guardians) of children whose behavior and misconduct on school buses violates the Student Code of Conduct or otherwise endangers the health, safety and welfare of other riders shall be notified that their child/children face the loss of school bus riding privileges and/or other disciplinary actions.

If a student's riding privileges are suspended or revoke, the student's parents are responsible for seeing that the student gets to and from school safely.

The bus driver is responsible for maintaining the orderly behavior of students on school buses and shall report misconduct to the student's principal and provide a copy of the report to the transportation office.

A. Behavior on Buses

Students must not disturb the bus drivers while they are driving. Student expectations follow:

- a. Students should stay in their seat and not change seats.
- b. Student should remain seated while the bus is in motion.
- c. Students should keep voices at a reasonable level - no shouting or whistling.
- d. Rough-housing, pushing, fighting, throwing items, or hazing is unacceptable behaviors.
- e. Students should enter and leave bus in an orderly fashion.
- f. Students should keep all parts of the body inside bus at all times.
- g. Students should be at bus stop five (5) minutes before bus arrives. Schedules will be followed.
- h. Students shall not have glass containers on bus.

B. Riding a Different Bus

Students needing to ride a different bus from the one regularly assigned must have a note from a parent/guardian and signed by a school administrator before riding the different bus.

C. Bus Stops

Students are expected to be at their bus stop five (5) minutes prior to the time the bus arrives. Misconduct of students at the bus stop or going to or from a bus stop may result in disciplinary action by the school administrator.

D. Misconduct Reports

Bus drivers are obligated to report any misconduct of a student that they may observe. Fighting, assault, cursing, possession of tobacco products or controlled substances, sexual harassment and possession of weapons are examples of offenses that a driver must report to a school administrator.

Actions Taken - one or more of the following may apply:

- Conference with student/parent(s)
- Referral to counseling/student assistance program
- Referral to School Resource Officer/law enforcement
- Referral to court system
- In-school disciplinary program
- Before/after school detention
- Out-of-school suspension
- Expulsion

This policy and applicable regulations shall not be limited in their application to bus riding privileges alone, but shall also extend to all division provided or supervised transportation. Disorderly conduct by students at bus stops shall be reported and acted upon in the same manner as misconduct on buses.

Nothing contained in this policy shall preclude the imposition of other disciplinary measures as appropriate, including suspension or expulsion from school, in accordance with other division policies and procedures.

Disciplining Students With Disabilities (excerpt from Policy JGDA)

Students with disabilities who violate the student code of conduct, engage in conduct for which they may be disciplined will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline.

I. Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern -- Change in Placement

For the purpose of removing students with disabilities from their current educational placements, a change in placement occurs when:

1. the removal is for more than ten (10) consecutive school days; or
2. there is a series of removals each of which is for ten (10) days or less and they cumulate to more than ten (10) days in a school year and constitute a pattern because of:
 - (a) the length of each removal,
 - (b) the proximity of the removals,
 - (c) the total time the child is removed, and
 - (d) the child's behavior is substantially similar to the child's behavior in previous incidents.

If a disciplinary action will result in a change of placement for a student with a disability then that student's parents must be sent notice that same day of the recommendation for discipline and be provided with a copy of the procedural safeguards. The procedure outlined in Section IV must also be followed.

II. Short-Term Suspension

A short-term suspension is a suspension of ten (10) consecutive days or less at a time.

School authorities may remove a student with a disability from his or her current educational setting for up to 10 school days cumulative in a school year to the extent that such removal would be applied to students without disabilities and for short term suspensions, provided no pattern exists.

III. Functional Behavior Assessments and Behavior Intervention Plans

If the school administration, the parent, and the relevant Individual Education Program (IEP) team members determine that a manifestation exists, the IEP team must:

- conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously, or,
- if the student already has a FBA and BIP in place, review and modify the BIP, as necessary to address the behavior.

If a manifestation is found, the school division and the parent may agree to a change in placement when reviewing or modifying the BIP. Without this agreement, the student must return to the placement from which the student was removed.

IV. Educational Services While Disciplined

For the first ten (10) days of removal in a school year the School Board is not required to

provide educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed.

After the first ten (10) days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to:

1. continue to progress in the general curriculum, although in another setting, and
2. progress toward meeting the goals set out in the child's IEP.

The determination of educational services is made by the IEP team for discipline which constitutes a change in placement. For discipline which is not a change in placement, the determination is made by school personnel in consultation with the student's special education teacher.

V. Manifestation Determination

When a disciplinary action is proposed that will result in a change of placement, a manifestation determination review shall be conducted within ten (10) school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which consists of a local educational agency representative, the parent and relevant members of the IEP team (as determined by the parent and the school division.)

The Manifestation Team may determine that the behavior of the child was not a manifestation of such child's disability only if the Team:

1. considers, all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and
2. determines that:
 - (a) the conduct in question was not caused by, or had a direct and substantial relationship to, the student's disability; and
 - (b) the conduct in question was not the direct result of the school division's failure to implement the IEP.

If a manifestation is found, the student cannot be disciplined beyond any permissible short term removal that may be available. A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. The student will remain in the interim alternative education setting pending the decision of the hearing officer or the expiration of a forty-five (45) school day removal.

VI. Disciplinary Action for Behavior that is Determined Not to be a Manifestation

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to non-disabled students. Following a removal which constitutes a change in placement, the student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the discipline.

VII. Disciplinary Action and/or Alternative Placement for Behavior that is Determined to be a Manifestation

A student with a disability whose behavior is determined to be a manifestation of his or her disability may not be disciplined except to the extent a removal is otherwise permitted by law. The student may also be removed to a more restrictive placement by following change in placement procedures. The IEP team must conduct or review a FBA and/or BIP as provided in Section III.

VIII. Interim Alternative Educational Settings for Weapons and Drugs and Infliction of Serious Bodily Injury

Students with disabilities 1) who carry or possess a weapon to or at school, on school premises, or to or at a school function under jurisdiction of state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or 3) who inflict serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to Policies JFCD, JFCF or JGDB and may be placed in an interim alternative educational setting for up to forty-five days. This option is available without regard to whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the child to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, a FBA, behavioral interventions services and modifications to address the behavior so it does not recur.

IX. Change of Placement by Hearing Officer

In addition to the other options for removal, a hearing officer may order a change in the placement for a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of each student is substantially likely to result in injury to the student or others. Additional forty-five (45) school day removals may be authorized by the hearing officer as necessary.

X. Placement During Appeals

Students with disabilities are entitled to all the due process rights available to a non-disabled student. In addition, students with disabilities are entitled to all the due process procedures available under the Individuals with Disabilities Education Act, as amended, and any state procedures. During the course of any appeals, the student's placement shall be in accordance with the provisions of federal law unless the parent and the school division agree otherwise.

XI. Student Not Identified as Disabled

Students for whom the parents assert there is a disability, but who have not been yet been identified as disabled may be subjected to the same measures applied to children without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A school division will be found to have knowledge of the student's disability if before the behavior that precipitated the disciplinary action occurred:

1. the parent expressed concern in writing to school supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or
2. the parent requested an evaluation of the student for special education eligibility through formal evaluation procedures; or

3. the student's teacher or other school personnel had expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or other supervisory personnel of the school division.

A school division would not be found to have knowledge of a child's disability if:

1. the parent refused to allow an evaluation of the student or refused special education services; or
2. the student was evaluated and found not eligible for special education services.

If a request for an evaluation is made during the period such student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting, in compliance with the procedures for suspended and expelled students with disabilities. Pending the results of the evaluation the student shall remain in the educational placement determined by the school authorities.

XII. Disciplining Certain 504 Students Who Violate Alcohol and Drug Policies

Students who are identified as disabled solely under Section 504 of the Rehabilitation Act and who are currently engaging in the illegal use of drugs or alcohol may be disciplined for violating the division's alcohol and drug policies to the same extent as non-disabled students. The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular educational students.

Search and Seizure (excerpt from Policy JFG)

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, student lockers, student automobiles, or student's personal effects under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

Student desks and lockers are the property of the school, and may be used for the storage of permitted student belongings only. School officials retain locker combinations and reserve the right to search desks and lockers as well as to open lockers at any time for repairs. A general search of lockers or desks may be conducted to repossess school property or to locate illegal materials. A random, systemic, non-selective search of student classrooms, desks, lockers or automobiles may be conducted by school officials in accordance with a pre-determined search formula. Students are responsible for the content of their assigned locker at all times. 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 should be notified.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property, but may be conducted wherever the student is involved in a school-sponsored function.

PERSONAL SEARCHES

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school official whenever the official has reasonable suspicion to believe that the student has violated or is

about to violate the law or a school rule and that the search will yield evidence of the violation.

A personal search may include requiring a student to be scanned with a metal detector.

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

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

LOCKER SEARCHES

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

COMPUTER SEARCHES

School computers, software and internet access are school property. Students are only authorized to use school computers and other similar educational technology consistent with the educational mission of the school. School officials may search school computers, software and internet access records at any time for any reason without student consent.

CONSENT SEARCHES

If a student gives a school official consent for a search the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of consent. Students should be told of their right to refuse to be searched, and students must not perceive himself at risk of punishment for refusing to grant permission for the search.

SEIZURE OF ILLEGAL MATERIALS

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

Suspensions and Expulsions for Offenses Committed Off School Property

Students for whom a report has been received of an adjudication of delinquency or a conviction of certain crimes (purchase, possession or use of a weapon; homicide; felonious assault; sexual assault; manufacture, sale, gift, distribution or possession of unlawful drugs; arson; and burglary) may be suspended or expelled from school attendance pursuant to §22.1-277.

Violations of Criminal Law

In addition to any disciplinary action taken by the principal, his/her designee, or other school authority under these rules, any violation of criminal law may be handled with the law enforcement agencies as outlined; however, certain offenses must be reported to the Floyd County Sheriff's Department and they follow: (i) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting or wounding of any person on a school bus, school property, or at a school sponsored activity; (ii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school sponsored activity; (iii) threats against school personnel while on a school bus, on school property, or at a school sponsored activity; or (iv) the illegal carrying of a firearm onto school property. School principals must report to local law enforcement by providing that reportable offenses involving "firearms" on school property address any weapon prohibited on school property or at a school-sponsored activity pursuant to §18.2-308.1, as well as (i) 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; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. By linking the definition of "firearm" to the definition in §22.1-277.07 (Gun-Free Schools), the bill captures possession of knives and other weapons.

1. In addition principals may discuss other cases, as he/she feels appropriate with the proper school administrative person before notifying the Sheriff's Department.
2. Law enforcement officers will get approval from the Sheriff or other supervisory officer or from the Commonwealth's Attorney or his/her assistant before conducting an investigation at any school.
3. Officers are instructed whenever possible to call the respective school principal or his/her assistant prior to going to the school. A statement of the nature and extent of the investigation will be furnished. This will afford the school official the opportunity of discussing the case with his/her superiors.
4. When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the principal or his designee shall exert reasonable efforts to contact the parent or guardian and have the parent or guardian in attendance for the conference. If the parent or guardian cannot be present for the conference, then the principal/designee should be present throughout the investigation.
5. Principals may be advised upon request of the action taken on investigations conducted at the school or school grounds.

Trespassing

1. Any student who has been suspended from attending Floyd County Schools may be considered trespassing if he/she appears on Floyd County Public School property during the suspension period.
2. Students are not to be on school grounds before the opening or after the closing of school. Students who loiter at school after the close of their school day without specific need or supervision may be considered trespassers.
3. Any student who is requested by an administrator to leave school property is expected to do so immediately. Failure to do so may be considered trespassing.
4. No student or other person may attend or visit a Floyd County school as a guest during the regular school day without authorization from the school administration.

Violations of these rules may be basis for long-term suspension or expulsion from school or prosecution in the courts.

Principal's Investigation

In dealing with misconduct, the principal shall investigate the incident. All efforts shall be made to follow due process procedures to protect individual student rights.

In-School Supervision

In-school supervision is the removal of a student from his/her classes by the principal or other authorized school personnel for one or more days to another room on the school premises. The student is required to remain in that room under the supervision of the in-school supervision supervisor and is isolated from the other students for the assigned period of time. The student is required to do all classroom assignments, but will not be listed as absent from class, but present in school. Students will receive full credit for work completed while in In-School Supervision. This is an excused absence from class.

Sending a Suspended Student Home During the School Day

When a student is suspended, the principal shall attempt to reach the student's parents or legal guardian to inform them of the school's action and to request that they come to the school for their child. If a parent cannot come to school, the school shall make a reasonable effort to transport the student to his/her home, providing that a parent is there to receive him/her. If the principal cannot reach the parents or other responsible authorities, the student must remain on school property until the close of the school day.

Notwithstanding, the above requirement that a suspended student be released only to a parent or other responsible authorities, the principal may order a student to leave the school premises immediately when the principal is faced with mass violations of school rules or dangerous and disruptive conduct not subject to normal disciplinary action, and it is not possible to keep the student on school grounds. Even in this case, distance to home and the age and sex of the individual child may require keeping him/her until his/her parents or other responsible authorities can be contacted.

Student Suspension/Expulsion (refer to Policy JGD/JGE)

I. DEFINITIONS

As used in this Policy,

"Alternative education program" shall include, but shall not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

"Destructive device" means (1) 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; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily 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 Va. Code §18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. "Destructive device" shall 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 Va. Code §18.2-308.2:2.

“Disruptive behavior” means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

“Exclusion” means a 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” means any disciplinary action imposed by a 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.

“Firearm” means any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code §18.2-308.1, or (1) 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; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. “Firearm” does not include any pneumatic gun as defined in this Policy.

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

“One year” means 365 calendar days as required in federal regulations.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. “Pneumatic gun” includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“School property” means 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.

“Short-term suspension” means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS

Generally pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause of suspension include only instances of truancy.

Any student for whom the Division Superintendent of the school division in which the student is enrolled has received a report pursuant to Va. Code §16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code §16.1-260 may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the Division Superintendent or his designee and the parent of the pupil suspended. The Division Superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.

The decision of the Division Superintendent or his designee may be appealed to the school board unless the school board has provided by regulation that the decision of the Division Superintendent or his designee shall be final.

Any oral or written notice to the parent 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 educational 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 educational program offered by the school division, shall be borne by the parent of the student.

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the school board or the Superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within thirty (30) days.

The written notice of a suspension for more than ten days shall include notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing herein shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the school board in accordance with the regulations of the school board. The regulations shall provide for subsequent confirmation or disapproval of the proposed expulsion by the school board regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his parent shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. The notice shall also state whether or not 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 the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

Nothing in this policy shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the school board for the term of such expulsion.

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 an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

The school board shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure any initial petition for readmission will be reviewed by the school board or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent denies such petition, the student may petition the school board for review of such denial.

B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below shall be based on consideration of the following factors:

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse, or special education assessments;
- the student's attendance and academic records; and other appropriate matters.

Firearms

The school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code §18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. The superintendent may, however, 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 exemptions set out in Va. Code §18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*, to the provisions of this policy. The provisions of this policy shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

Drug Offenses

The school board shall expel from school attendance any student whom the school board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code §18.2-247 onto school property or to a school-sponsored activity. The school board or Superintendent may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate.

C. Procedure for School Board Hearing

The procedure for the School Board hearing shall be as follows:

- The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
- The School Board may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
- The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the School Board

and, when so received, shall be marked and made part of the record.

- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board shall transmit its decision, including the reasons therefore, to the student, his parent(s), the principal and Superintendent.

VI. ALTERNATIVE EDUCATION PROGRAM

The school board may require any student who has been (1) charged with an offense relating to the laws of Virginia, 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 superintendent of the school division pursuant to Va. Code 16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia'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 Va. Code §16.1-260.G.; (3) found to have committed a serious offense or repeated offenses in violation of school board policies; (4) suspended pursuant to Va. Code §22.1-277.05; or (5) expelled pursuant to Va. Code §§22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code §22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found 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.

A principal (or his designee) may impose a short-term suspension, pursuant to Va. Code 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

As used herein, "charged" means that a petition or warrant has been filed or is pending against a pupil.

VII. REPORTING

- A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the Division Superintendent and to the principal or his designee on all incidents involving
- (1) 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;
 - (2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Va. Code §18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
 - (3) any conduct involving alcohol, marijuana, 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;
 - (4) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity,

- (5) the illegal carrying of a firearm as defined in Va. Code §22.1-277-.07 onto school property;
 - (6) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code §18.2-85 or explosive or incendiary devices, as defined in Va. Code §18.2-433.1, or chemical bombs, as described in Va. Code §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or
 - (7) any threats or false threats to bomb, as described in Va. Code §18.2-83, made against school personnel or involving school property or school buses;
 - (8) 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 therefore; and
 - (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.
- B. The Division Superintendent and the principal or his designee shall receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code §54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (9) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code §16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.
- C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to subsection VII.A. (1-9) of this policy to the Superintendent of the school division. The Division Superintendent shall annually report all such incidents to the Department of Education.
- In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this policy.
- D. The principal or his designee shall also notify the parent of any student involved in an incident required by this subsection to be reported, 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.
- E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the Superintendent or his designee. Prevention and intervention activities shall be identified in the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act).
- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall 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.

- G. For purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his or her regular school.

Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth 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 in the Floyd County Schools, in accordance with Policy JEC-R. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local 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 Va. Code §22.1-277.06. The excluding school board shall not impose additional conditions for readmission to school.

No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent fails to comply with this policy or Policy JEC, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the school board or superintendent or his designee, as the case may be at the relevant hearing, the student may re-petition the school board for admission. If the petition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the school board for admission.

The school board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the school board for the term of such exclusion.

Acceptable Computer System Use (excerpt from Policy JFCL-R)

All use of the Floyd County School Division's computer system shall be consistent with the School Board's goal of educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape drives, servers, mainframe and personal computers, the Internet and any other internal or external network.

Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the Division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business.
2. **Privilege.** The use of the Division's computer system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes:
 - using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal, state or local law.
 - sending, receiving, viewing or downloading illegal material via the computer system.
 - unauthorized downloading of software.
 - downloading copyrighted material for unauthorized use.
 - using the computer system for private financial or commercial gain.
 - wastefully using resources, such as file space.
 - gaining unauthorized access to resources or entities.
 - posting material authorized or created by another without his or her consent.
 - using the computer system for commercial or private advertising.
 - submitting, posting, publishing or displaying any obscene, profane, threatening, illegal or other inappropriate material.
 - using the computer system while access privileges are suspended or revoked.
 - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
 - Be polite.
 - Users shall not forge, intercept or interfere with electronic mail messages.
 - Use appropriate language. The use of obscene, lewd, profane, threatening or disrespectful language is prohibited.
 - Users shall not post personal contact information, including names, home, school or work addresses, telephone numbers, or photographs, about themselves or others.
 - Users shall respect the computer system's resource limits.
 - Users shall not post chain letters or download large files.
 - Users shall not use the computer system to disrupt others.
 - Users shall not read, modify or delete data owned by others.
5. **Liability.** The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Division denies any responsibility for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs or damages incurred by the School Board relating to or arising out of any violation of these procedures.
6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
7. **Vandalism.** Intentional destruction of any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.
8. **Charges.** The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephones or long-distance charges.
9. **Electronic Mail.** The School Division's electronic mail system is owned and controlled by the School Division. The School Division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the School Division. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users shall be held personally liable for the content of any electronic message

they create. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

10. **Safety.** The school division shall provide a component of Internet safety for students that is integrated in the division's instructional program.
11. **Enforcement.** Software will be installed on the division's computers having Internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of minors may also be monitored manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by School Board policy, or legal action.**

Violations will be handled in accordance with the Standards of Student Conduct and Attendance and by signing the acknowledgement of parental responsibility, you, the parent or guardian, are indicating you understand that:

- a. Some materials on the Internet are objectionable;
- b. You as a parent share responsibility for guiding your child's Internet use by teaching your child appropriate behavior when using the computers and computer networks.

All students in grades 3-12 shall sign an Acceptable Computer System Use Agreement as outlined in the Floyd County School Board Policy Manual section JFCL-E.

Administering Medicines to Students (excerpt from Policy JHCD)

Prescription Medications

Floyd County Public School personnel may give prescription medication to students only pursuant to the written order of a physician or nurse practitioner and with written permission from the student's parent or guardian. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent/guardian of the student.

Non-prescription Medications

Floyd County Public School personnel may give non-prescription medication to students with the written permission from the parent or guardian. Such permission shall include the name of the medication, the required dosage of the medication, and the time the medicine is to be given. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent/guardian of the student. In order for non-prescription medication to be given to a student for more than five consecutive days, written permission from the child's physician shall be required. Occasionally, non-prescription medication may be given with verbal authorization of parent or guardian, for such minor conditions as a headache or menstrual cramps. This authorization is documented in the student log with date, time, medication type, strength and name of person giving authorization.

Self-Administration of Medication, Generally

Self-administration of any medication with the exception of asthma medication and auto-injectable epinephrine, as discussed below, is prohibited for students in grades kindergarten through eight.

Students in grades nine through twelve may be allowed to possess and self-administer non-prescription medicine if:

- written parental permission for self-administration of specific non-prescription medication is on file with the school;
- the non-prescription medication is in the original container and appropriately labeled with the manufacturer's directions;
- the student's name is affixed to the container, and
- the student possesses only the amount of non-prescription medicine needed for one school day/activity.

Sharing, borrowing, distributing, manufacturing or selling any medication is prohibited. Permission to

self-administer non-prescription medication may be revoked if the student violates this policy and the student may be subject to disciplinary action in accordance with the Standards of Student Conduct.

Self-Administration of Asthma Medication and Auto-Injectable Epinephrine

Students with a diagnosis of asthma or anaphylaxis, or both, are permitted to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, in accordance with this policy during the school day, at school-sponsored activities, or while on a school bus or other school property. In order for a student to possess and self-administer asthma medication, or auto-injectable epinephrine, or both, the following conditions must be met:

- written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, must be on file with the school;
- written notice from the student's health care provider must be on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication;
- an individualized health care plan must be prepared, including emergency procedures for any life-threatening conditions
- information regarding the health condition of the student may be disclosed or disseminated to school board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

Permission granted to a student to possess and self-administer asthma medications or auto-injectable epinephrine, or both, will be effective for a period of 365 calendar days, and must be renewed annually. However, a student's right to possess and self-administer inhaled asthma medication or auto-injectable epinephrine, or both, may be limited or revoked after appropriate school personnel consult with the student's parents.

School principals and other employees of Floyd County Schools and local health department personnel assigned to public schools, who supervise the self-administration of inhaled asthma medications by a student, will be immune from liability for any civil damages for acts or omissions resulting from the supervision of self-administration of inhaled asthma medications, when such function is performed in good faith, without compensation, and in the absence of gross negligence or willful misconduct.

STUDENT ABSENCES/EXCUSES/DISMISSALS (Policy JED)

I. Student Attendance Policy

Student attendance is a cooperative effort and the School Board shall involve parents and students in accepting the responsibility for good attendance.

Each parent/guardian or person having control or charge of a child within the compulsory attendance age shall be responsible for such child's regular and punctual attendance at school as required under provisions of the law.

A reasonable effort shall be made to contact a parent/guardian of each absent student every day, and to obtain an explanation for the student's absence, where there is no indication that the student's parent is aware of and supports the absence. A log will be kept of call attempts.

Students who are absent must bring a valid note stating the reason for absence upon returning to school. Unexcused absences shall be handled according to regulations issued by the Superintendent.

The superintendent's regulations will include procedures for excusing students who are absent by reason of observance of a religious holiday. Such regulations will ensure that a student is not deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which he missed by reason of such absence, if the absence is verified in an acceptable manner.

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 Superintendent or designee.

Nothing in this policy shall be construed to limit in any way the authority of any attendance officer or the Division Superintendent to see immediate compliance with the compulsory school attendance law.

II. Compulsory Attendance Procedures

A. Upon Fifth Absence Without Parental Awareness and Support

If (1) a student fails to report to school for a total of five scheduled school days for the school year, and (2) there is no indication that the student's parent is aware of and supports the absence; and (3) reasonable efforts to notify the parent of the absences have failed, then the Principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance.

The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

B. Upon Sixth Absence Without Parental Awareness and Support

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within ten school days, which must take place no later than the fifteenth school day after the sixth absence. At the conference, the pupil, his parent, and school personnel, shall meet to resolve issues related to the pupil's nonattendance. Other community service providers may also be included in the conference.

C. Upon Additional Absence Without Parental Awareness and Support

Upon the next absence after the conference without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the Principal or designee shall notify the attendance officer or Superintendent or his designee who shall enforce the compulsory attendance rules by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) instituting proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts already undertaken to resolve the pupil's absence. If the

student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses.

D. Parental Cooperation in Remediating Excessive Unexcused Absences

It is expected that parents will cooperate with the attendance officer and other school officials to remedy the student's attendance problem. Where direct contact with a parent cannot be made, despite reasonable efforts, or where parents otherwise fail to cooperate in remediating the student's attendance problem, the Superintendent or the superintendent's designee may seek immediate compliance with the compulsory school attendance laws. The attendance officer, with the knowledge and approval of the Superintendent, shall institute proceedings against any parent who fails to comply with the requirements of the compulsory attendance laws. Where the complaint arises out of the parent's failure to comply with the requirements of § 22.1-258, the attendance officer shall document the school division's compliance with this Code section.

III. Report for Suspension of Driver's License

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

IV. Attendance Reporting

Student attendance shall be monitored and reported as required by state law and regulations. At the end of each school year, each public school principal shall report to the Superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to Part II (B) above. The Superintendent shall compile this information and provide it annually to the Superintendent of Public Instruction.

V. Dismissal Precautions

Principals shall not release a student during the school day to any person not authorized by the student's parent/guardian to assume responsibility for the pupil. Students shall be released only on request and authorization of parent or guardian. The superintendent shall provide procedures for release of pupils who are not residing with or under the supervision of a parent/guardian. The burden of proof on the authority of the person to receive the student is on the requesting party. A formal check-out system shall be maintained in each school.

REGULATIONS - STUDENT ABSENCES/EXCUSES/DISMISSALS (Policy JED-R)

A. Students who are absent must bring a parental note on the first day the student returns to school stating the reason for the absence. If no note is received the absence will be unexcused. The only excuses for absence that shall be deemed acceptable are the following:

1. illness (if over two days, the school may require a note from the doctor)
2. medical appointments (medical note required)
3. court appearance
4. death in the family
5. religious holidays
 - any student who is absent by reason of observance of a religious holiday shall be excused and shall not be deprived of any reward or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which he missed by reason of such absence, if the absence is verified in an acceptable manner.

6. field trips and school-related activities
7. extenuating circumstances which are determined by the school administration.

The principal may consider circumstances beyond the control of the pupil and/or parent and excuse the student from school for reasons other than those listed above. Special consideration may be given by the school administration to extended absences due to medical reasons as verified by a physician. The procedures outlined under Student Attendance shall be followed in handling student attendance problems.

- B. Tardiness to class or school is detrimental to the educational progress of students. Appropriate steps to encourage punctuality shall be taken which may include counseling, assignment to detention hall, making up the lost time, parental conferences, placement in the In-School Supervision (ISS) program, or assignment to the After-School Instruction Program (ASIP).
- C. No student may leave school grounds upon arriving without permission from the office.
- D. Students who wish to leave school before the end of the school day must follow the procedures established by the school. The school administration at the secondary level reserves the right to excuse or not excuse a student's absence, tardiness or early dismissal from school.
- E. Students with long-term or chronic illnesses may be required to furnish a doctor's excuse to the school principal.
- F. Recommended dispositions of attendance problems include the following:
 1. Student conference
 2. Parent contact
 3. Conference with parent or guardian
 4. Pupil Personnel Services intervention
 5. Detention
 6. Saturday morning make-up
 7. In-school supervision
 8. After-school instruction program
 9. Law enforcement agencies
 10. Court referral

High School

- A. Students (grades 8-12) who bring valid notes for acceptable reasons will be permitted to make up work missed.
- B. Students who do not bring valid notes or are absent due to suspension or truancy will work with the school administration to make up work missed.
- C. It is the student's responsibility to see the teacher on the day he or she returns to schedule make-up work. Missed assignments resulting from excused absences must be made up within three (3) days of returning to school. All work not made up within the time period will be graded zero. Extenuating circumstances, however, may be considered by the principal or his/her designee in extending the time limit for makeup, and extensions shall be liberally granted in order to insure that a student with a valid excuse is allowed to make up missed work.
- D. Attendance Policy
 1. There will be a limit of ten (10) absences in each class during each semester. Students exceeding the limit for absences will not receive credit for the class regardless of the grade

earned.

2. After the fifth (5th) absence or excessive number of tardies, an attendance plan may be implemented.
3. Absences from class and tardies for each grading period will be reported to the parent(s)/guardian(s) on the report card.
4. Excessive absences will be reviewed at the discretion of the school administration and/or the request of the parent.
5. Students who are absent must bring a parental note on the first day the student returns to school stating the reason for the absence.
6. Missing class due to school related activities will not be counted as an absence from class. Examples are club meetings or competition, sports activities, testing, guidance conference, etc. Also, time spent In-School Supervision (ISS) will not be counted as an absence.
7. Letters will be mailed to parents after a student has missed five (5) unexcused days of school. These letters will request that parents schedule a conference with the school administration concerning their child's school attendance and an attendance plan will be formulated. Long-term absences will be reviewed by the administration. Loss of credit may be appealed to the local school review panel made up of an administrator, guidance counselor and student's teacher(s).

Elementary Schools

1. All absences shall be identified as excused or unexcused. Absences or late arrivals for any of the following reasons shall not contribute to the maximum number of absences allowed by this policy:
 - a. State mandated testing or other school/division testing program;
 - b. Late bus or bus which fails to run;
 - c. Conferences with guidance counselor, administrator, or other related staff members; and
 - d. In-school supervision (ISS).
2. After the fifth (5) absence or excessive number of tardies, an attendance plan may be implemented.
3. Missed assignments resulting from excused absences must be made up within three (3) school days of returning to school. The school administration in consultation with the classroom teacher may extend the time limit because of extenuating circumstances.
4. Students who do not bring valid notes or are absent due to suspension or truancy will work with the school administration to make up work missed.
5. Excessive excused absences may be reviewed at the discretion of the school administration.
6. Parental permission for early dismissal must be presented to school officials on or before the day requested.
7. Absences and tardies for each grading period will be reported to the parent(s)/guardian(s) on the report card.
8. For each student recorded as absent, an attempt will be made to contact the home by the individual school principal or his/her designee.

9. Excessive absences may result in retention.

General Provisions

Each principal will insure that teachers are accountable for the following:

- a. checking the roll each day in every class,
- b. communicating with a student's parents if poor attendance is affecting the student's progress and keep a log of those contacts,
- c. including participation, which may be affected by attendance, in their student evaluation procedures, and
- d. offering vital, stimulating instruction each day which necessitates and encourages student attendance.

Definitions for Disciplinary Actions

After consideration of circumstances surrounding an incident, the student's previous record, the age and development stage of the student, in addition to the safety of the school community, disposition of a case may be selected from the following alternatives which are listed in alphabetical order:

Alternative Education Program – In the event a student requires administrative intervention for certain violations of the Student Conduct Code, assignment may be made to an alternative education setting. This allows the continuation of the academic program while counseling and/or other interventions may be employed.

Before and After School Detention – A student may be detained for a reasonable period of time before school or after the closing of his/her last scheduled class and may be required during this time to engage in such activities as may reasonably contribute to better behavior. Any student who has been assigned time shall promptly inform his/her parents. Except in unusual circumstances, a student shall be given at least one day's notice if he/she has been assigned detention time.

Behavioral Intervention Plan – A comprehensive intervention plan developed by a special education student's Individualized Education Program (IEP) committee to assist with challenging behaviors. This plan should include positive strategies, program or curricular modifications and supplementary aids and supports required to address the disruptive behaviors in question.

Community Service – Authorized work in the building, grounds and/or appropriate services provided by the student to the school or the community.

Confiscation – Any item prohibited by the Student Conduct Code or law will be removed from the student's possession.

Court Referral – In case of a drug offense, assault, weapon possession, truancy, or other violation of the Code of Virginia, the student may be taken to court.

Expulsion – The immediate and permanent cessation of all services, including Adult Education and the GED program, provided by the School Board of Floyd County. An expelled student is considered a trespasser if that student is present on any School Board property or at any school activity.

Functional Behavioral Assessment – A comprehensive approach to analyzing a disabled student's challenging behaviors.

Habitual Offense – A habitual offense shall include but not be limited to situations when a student violates one or more sections of the Student Conduct Code and the school has addressed these behaviors with the student with no marked improvement in the student's behavior.

Individualized Education Plan (IEP) – A written plan designed to address unique needs of the student. This is done on an annual basis by a committee, referred to as the IEP Committee, that consists of the student (if appropriate), special education teacher, regular education teacher, administrator, and any other individual that may be helpful in planning a appropriate program for the student.

In-School Disciplinary Program – For some violations of the Student Conduct Code, a student may be removed from his regular schedule of classes and assigned to a classroom for the entire day or a reasonable period of time.

Instructional Intervention – When a student experiences repeated problems in school, the school personnel may refer this student to the child study team. The student is counseled and, if necessary, evaluated for alternative placement and educational program modifications.

Law Enforcement Agencies – In cases of violations of the Code of Virginia, the Floyd County Sheriff's Department, Child Protective Services and Juvenile Probation Departments may be included in the disposition. The School Resource Officer usually serves as a liaison for these activities.

LEA – The Local Education Agency (LEA) (i.e., Floyd County Schools)

Manifestation Determination – A review conducted by the IEP committee to determine the relationship between a child's disability and the behavior subject to disciplinary action.

Mediation/Conflict Resolution – A process led by either student and/or staff mediators in which disputants in a conflict are encouraged to meet and resolve their dispute.

Out-of-School Suspension – A student may be suspended for ten (10) days or less or long term for more than ten (10) days but less than 365 days.

Parent – A parent is considered a natural parent, parent by legal adoption or court appointed legal custodian. Teachers, counselors and administrators are expected to contact parents by phone or letter in an effort to keep them informed of their child's conduct.

Readmission – After 365 days, the parents of an expelled student may request a review by the school board in order to seek approval for reenrollment by contacting the assistant superintendent of administration. In the event approval for the readmission is granted, the school board will determine appropriate school placement and the date of reentry.

Restitution – The replacement of or payment for property taken, damaged or destroyed will be required.

School Conference with Parent(s) – Parents are encouraged to set up an appointment with any teacher, counselor, or administrator to discuss their son's or daughter's progress or problems. If a student is suspended, a parent may be asked to come to school to initiate reinstatement of the student.

School Resource Officer – A Floyd County Sheriff's Department officer is assigned to the high school to assist in maintaining safe school environments and to support the administration and staff whenever this area of expertise is required.

Shortened School Day – The school administrator may recommend shortening a student's day if such a move is deemed beneficial to the school and/or student.

Student Assistance Program (SAP) – The SAP works collaboratively with parents, school and community representatives, to foster resiliency in students and interrupt behaviors that impede students' success. The areas focused on include, but are not limited to, violence, tobacco, alcohol, other drugs and difficulties that contribute to truancy, low grades, school dropout, discipline problems, and the inability to succeed in the educational setting.

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. Students holding leadership positions, such as club and organization offices, and students representing their school or school organization in contests, special delegations or honorary positions will give up their leadership position and opportunities to represent the school or its organization beginning with the date of suspension. Additionally, team rules or organization constitutions or by-laws at the individual school level may deny participation beyond the term imposed by the school administration.

**Family Educational Rights and Privacy Act (FERPA)
Notice for Directory Information**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent to the following parties or under the following conditions (34 CFR 99.31):
 - School officials with legitimate educational interest (teacher(s), guidance counselor(s) and administrator(s);
 - Other schools to which a student is transferring;
 - Specific officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order of lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities within a juvenile justice system pursuant to specific State law.

Schools may disclose, without consent, "directory" information. Such information which is not considered harmful or an invasion of privacy can also be disclosed to outside organizations without a parent's prior written consent.

Floyd County Schools has designated the following as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Date and place of birth
- Grade level – Dates of attendance
- Participation in officially recognized activities and sports
- Sports activity sheets showing weight and height of members of athletic teams
- Photograph
- Honors and awards received
- Major field of study
- The most recent educational agency or institution attended
- A playbill, showing your student's role in a drama production
- Annual yearbook
- Graduation program

If you do not want Floyd County Schools to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 15th (see page 49 for Opt-Out Form).

**Notification of Rights under FERPA for
Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the Floyd County Schools receives a request for access. Parents or eligible students should submit to the School principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the Floyd County Schools to amend a record that they believe is inaccurate or misleading. They should write the School principal (or appropriate official), clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interest. A school official is a person employed by the Floyd County Schools as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Floyd County School Board; a person or company with whom the Floyd County Schools has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her task. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. [Optional] Upon request, the Floyd County Schools discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.[Note: FERPA requires a school district to make a reasonable attempt to notify the parent or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.]
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Floyd County Schools to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

[NOTE: In addition, an institution may want to include its directory information public notice, as required by 99.37 of the regulations, with its annual notification of rights under FERPA.]

Floyd County Schools does not discriminate on the basis of race, color, national origin, gender, religion, age, political affiliation, marital status or disability in employment or provision of programs, services, or activities. Reasonable accommodation will be provided upon request for individuals with disabilities.

Copies of the Policies and Regulations of the Floyd County School Board are available in the following locations: Floyd County School Board Office, the library at each elementary school and at Floyd County High School, and on-line at: www.floyd.k12.va.us.

**Notification of Rights Under the
Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conducting of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S.

Department of Education (ED) –

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demanding behavior;
5. Critical appraisals for others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use –

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The Floyd County Public Schools has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection , disclosure, or use of personal information for marketing, sales, or other distribution purposes. Floyd County Schools will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Floyd County Schools will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Floyd County Schools will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5901

Equity in Education
School Year 2010 – 2011

The Floyd County School System is committed to providing an educational environment for all students and employees which provides for fair and equitable treatment, including freedom from harassment based on race, color, national origin, sex, or disability. Discrimination against any person shall be prohibited in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration, or because of other non-merit factors.

It is the intent of the Floyd County School Division to implement specific and continuing steps to notify students, parents of students, and employees that we do not tolerate harassment on the basis of race, color, national origin, sex, or disability in educational programs and activities. The use of racial epithets, slurs, or other conduct of a verbal, physical, or written nature which is harassing, intimidating, abusive, degrading, or threatening and which causes or contributes to a hostile environment will not be tolerated. Procedures for making and resolving such complaints shall comply with all applicable federal and state laws and regulations. Copies of policies that prohibit harassment based on race, color, national origin, sex, or disability are posted on bulleting boards at each school, published in various school division documents, i.e. student and teacher handbooks, Floyd County Policy Manual, as well as Floyd County Schools' web site at www.floyd.k12.va.us.

Any student that believes that he/she has been subjected to harassment because of race, color, national origin, sex, or disability shall file a complaint of the alleged act immediately to the school principal or the district superintendent. Dr. Arbogast, the district superintendent, can be contacted at the Floyd County School Board Office by calling (540) 745-9400. Report forms for filing a written complaint may be found in the Floyd County Policy Manual under JFHA-E1.

Any employee that believes that he/she has been subjected to harassment because of race, color, national origin, sex, or disability shall file a complaint of the alleged act immediately to the school principal or the district superintendent. Dr. Arbogast, the district superintendent, can be contacted at the Floyd County School Board Office by calling (540) 745-9400. Report forms for filing a written complaint may be found in the Floyd County Policy Manual under GBA-E1.



FLOYD COUNTY PUBLIC SCHOOLS
140 Harris Hart Road, NE
Floyd, Virginia 24091
Telephone: (540) 745-9400 Fax: (540) 745-9496

OBJECTION TO RELEASE OF DIRECTORY INFORMATION TO THE PUBLIC

Student's Name _____ School Name _____

A. Objection to release of any Directory Information (Comprehensive Opt-Out)

To: (principal's name) _____ (school name) _____

I object to the release of directory information (name, address, phone number, participation in school activities and sports, honors and awards, height and weight of athletic team members, dates of attendance, school grade, photographs, and other images) about my child. I understand this means exclusion from school documents that typically are made public, such as yearbooks, graduation programs, honor roll and other recognition lists, and sports activity and theatrical programs. I also understand that this means exclusion of my child's name, address and phone number from the school directory, from other documents relating to school-related organizations and activities, and from county agencies. Finally, I understand this means that my child will not be included in any video tape, audio tape or still photographs with the exception of state alternate testing for special education, 504 or limited English proficient students.

Parent (Guardian) Signature _____ Date _____

By choosing the option above, you have automatically selected all four choices below. You do not need to proceed to the limited opt-out options section. Check as many option boxes as fits your needs.

B. Participate in school related directories only, do not release to outside school organizations:

You may not release directory information (name, address, and telephone number) to the press, non-school related organizations such as the recreation department and the general public. I understand that school-related organizations such as the PTA, booster clubs, and school organizations in general will still have access to this information. (This choice does not exclude your child from the school and school related directories.)

C. Participate in school related directories only, do not release to state or county agencies:

You may not provide address and telephone numbers; parent or guardian name, address, and phone number; and demographic information to state and county agencies. (This choice does not exclude your child from the school and school related directories.)

D. Participate in school related directories only, do not release for any Floyd County Public Schools production:

You may not feature my child's name, likeness, or voice in any videotape, television, motion picture, audio recording, broadcast, or still photograph production that will be produced by and available to the public from Floyd County Public Schools or (to the extent that access is within Floyd County Public Schools control during school hours) the media. (This choice does not exclude your child from the yearbook nor Virginia High School League sanctioned activities.)

E. Denial of Access to Military Recruiters (High School use only)

Do not release name, address and telephone number of my child to military recruiters during the school year. I understand that once this has been checked and signed by either my child or myself, only a parent may change it. I also understand that if I want to change it, the parent must notify the principal in writing that the form is no longer in effect and that the student information may be released.

Parent (Guardian) Signature _____ Date _____