

## **STUDENT SECTION**

Regulation 9.34

### **STANDARDS OF STUDENT CONDUCT AND DISCIPLINARY PROCEDURES**

#### **A. STANDARDS OF CONDUCT/ACTS FOR WHICH STUDENTS WILL FACE CONSEQUENCES**

The following Standards of Student Conduct are established by the Superintendent under authority from the School Board for all students under its jurisdiction. The following behaviors will result in disciplinary action and may require mandatory sanctions. A “+” mark after a listed behavior means that if the behavior rises to the level of criminal conduct, it will be reported to law enforcement authorities. Criminal behavior may also lead to (1) suspension, expulsion or exclusion from the regular school program and/or (2) revocation of privileges to participate in extracurricular activities. Definitions of terms, in some cases including mandatory sanctions, are found in section B.

Prohibited conduct includes but is not limited to:

Alcohol and other substance violations +  
Arson +  
Assault +  
Bomb threats +  
Bullying +  
Burglary +  
Cheating  
Criminal charges and convictions (felonies) +  
Disobedience & insubordination  
Disruptive conduct +  
Dress and appearance, inappropriate or disruptive  
Driving unsafely or without a license +  
Extortion +  
Fighting and horseplay +  
Gambling +  
Gang-related activity or association +  
Harassment +  
Hazing +  
Homicide +  
Information Technology, Misuse  
Kidnapping +  
Laser pointer possession  
Portable Communications and other electronic devices misuse  
Profanity and obscenity +

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Sexual offenses +  
Stalking +  
Theft +  
Threats +  
Tobacco violations +  
Trespass on school property +  
Unauthorized photography  
Unexcused absence or tardiness  
Vandalism +  
Weapons violations +

**B. DEFINITIONS**

**Alcohol and Other Substance Violations**

To possess, use, consume, be under the influence of, procure, purchase and/or distribute prohibited substances.

Prohibited substances include, but are not limited to: alcohol, anabolic steroids, controlled substances, marijuana, look-alike drugs, drug paraphernalia, and any prescription or non-prescription drug not possessed in accordance with [Policy 9.38 Administration of Medications](#) , any material which may be misused as an inhalant (e.g. glue or paint), any substance 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.

Specific procedures for handling substance abuse violations are contained in [Policy and Regulation 9.36](#) (Substance Abuse Prevention and Treatment).

**Arson**

To unlawfully and intentionally damage, or attempt to damage, any school or personal property by fire or incendiary device. Firecrackers, fireworks and trashcan fires are included if they contribute to a damaging fire.

**Assault**

To inflict an actual offensive, intentional touching or striking of a staff member, student or other person against his or her will, intentionally causing bodily harm with or without the use of a firearm or weapon. This may also include malicious wounding and/or battery.

**Bomb Threats**

To make any threat (verbal, written or electronic) to bomb or use other substances or

devices for the purpose of exploding, burning, causing damage to a school building or school property, or to harm students or staff. This includes intentionally making a false report of potential harm from dangerous chemicals or biological agents.

**Bullying:**

To intentionally, repeatedly, and over time inflict or threaten to inflict physical or emotional injury or discomfort on another's body, feelings or possessions. A person is being bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more persons. Bullying behaviors include actions which cause the physical, verbal or emotional abuse of others. Taunts, threats, insults, gossip, humiliation, teasing, pushing, tripping, hitting, physical, verbal or written intimidation are all considered bullying behaviors. Bullying may also include cyber-bullying, which may include using information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging, defamatory personal web sites, and defamatory online personal polling web sites, to support deliberate, hostile behavior intended to harm others.

Some bullying behaviors may also fit the definition of other prohibited behaviors, such as assault/battery, and will be handled accordingly, up to and including referral to law enforcement authorities.

**Burglary**

To unlawfully enter, or attempt to enter a building or structure with the intent to commit a crime. This includes breaking and entering.

**Cheating**

To perform less than honestly on assigned school work or tests. This includes the use of portable communication devices for such purposes. In particular, cheating on a test or assigned work means giving, receiving, offering and/or soliciting information without teacher approval; plagiarizing by copying the language, structure, ideas and/or thoughts of another without proper attribution; falsifying statements on assigned school work, tests or other documents; violating copyright protections.

**Criminal Charges and Convictions (Felonies)**

To be charged with any offense, wherever committed, that would be a felony if committed by an adult. The Superintendent will be notified when a student is convicted or adjudicated delinquent of an offense listed in the [Code of Virginia, 1950 as amended, § 16.1-260](#) (section G: firearms offense; homicide; felonious assault & bodily wounding; criminal sexual assault; manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances; manufacture, sale or distribution of marijuana; arson & related offenses; burglary and related offenses; robbery; street gang participation; recruitment of

others for criminal street gang activity).

**Disobedience and Insubordination**

To demonstrate disobedience, insubordination or open defiance of the authority of any teacher or staff member. 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 regulations.

**Disruptive Conduct**

To engage in conduct that is or is intended to be disruptive of any school activity, function or educational process of the school, is dangerous to the health or safety of students or others, or which impinges upon the rights of others. Disruptive conduct includes the planning or carrying out of disorderly or disruptive demonstrations. Conduct which intentionally prevents or interferes with the orderly operation of the school, or which has a direct tendency to cause acts of violence will be reported to law enforcement authorities.

Disruptive conduct does not include actions by students to peaceably express opinions or to communicate their displeasure with policies and regulations dealing with the operation of the public schools.

Inciting a riot means the actions of three or more people acting together unlawfully using force or violence that seriously jeopardizes the public safety, peace or order.

**Dress and Appearance, Inappropriate or Disruptive**

To dress in a manner which is not appropriate for the K-12 educational environment, keeping in mind that school is the workplace for students. Clothing should fit, be neat and clean, and conform to community standards of safety, good taste and decency. A student's dress and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem. Students will be given prior notice of specific building dress regulations and must comply with such dress regulations. Students may not wear any article of clothing that promotes in word or symbol, any of the following: drugs, alcohol, tobacco products, illegal substances or actions, violence, profanity or obscenity.

Repetition of dress code offenses may constitute insubordination.

**Driving Unsafely or Without a License**

To operate a motor vehicle in an unsafe manner or not in accordance with the Virginia motor vehicle laws.

**Extortion**

To obtain or attempt to obtain anything of value from another by compelling the person to deliver it by the threat or eventual physical injury or other harm to that person or person's property.

**Fighting and Horseplay**

To exchange mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury. Minor injury may include, without limitation, scrapes on body or bruising. Major injury requires medical attention and may include without limitation, a stab or puncture wound, fractured or broken bones, concussion, cuts requiring stitches. Horseplay doesn't necessarily result in injury.

**Gambling**

To illegally make, place or receive any bet or wager of money or other thing of value made in exchange for the chance to win a prize, stake or other consideration or thing of value, dependent upon the result of the game, contest or any other event the outcome of which is uncertain or a matter of chance.

**Gang-related Activity or Association**

To participate in activity which is a part of or related to the actions of a criminal street gang. Gang related activity includes:

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or any other thing that is evidence of membership or affiliation in any gang, evidence of rituals associated with a gang, or gang activities;
  
- committing any act or omission, or using any speech, either verbal or non-verbal (such as gestures or hand shakes) showing membership or affiliation in any gang;
  
- using any speech or committing any act or omission in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy, and (d) inciting other students to act with physical violence;
  
- inappropriate congregating, bullying, harassment, intimidation, degradation,

disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

A criminal street gang means any ongoing organization, association or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of , attempt to commit, conspiracy to commit, or solicitation of two or more, predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction. ([VA Code §18.2-46.1](#) )

**Harassment**

To repeatedly annoy or attack a student or group of students or other personnel, creating an intimidating or hostile educational or work environment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile or offensive educational or work environment. [Policy IB.2](#) (Equality in the Educational and Employment Environment) and [Policy IB.4](#) (Freedom from Sexual Harassment) are incorporated by reference, and describe further the actions which constitute harassment.

**Hazing**

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

Hazing, as defined above, is a Class 1 misdemeanor which may be punished by confinement in jail; for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary measures up to and including a ten-day suspension from school and recommendation for expulsion. A report of hazing with bodily injury shall be made to the local commonwealth's attorney. In addition, any person receiving any bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or minors ([VA Code § 18.2-56](#) ).

**Homicide**

To cause the death of a staff member or student, not including suicide or accidentally self-inflicted death. Homicide may involve the use of a firearm or weapon.

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**Information Technology Misuse**

To commit unauthorized or illegal use of, or access to, computers, software, telecommunications, related technologies or equipment and any willful act that causes physical, financial or other harm or otherwise disrupts information technology or the educational environment, in violation of the FCCPS Internet Safety and Acceptable Use of Electronic Media Policy and [Regulation 9.40](#) .

**Kidnapping**

To unlawfully seize, transport, and/or detain a person against his/her will, or a minor without the consent of his/her custodial parents/guardians. This includes hostage-taking.

**Laser Pointer Possession**

To possess laser pointers.

**Portable Communications and Other Electronic Devices Misuse**

To possess or use portable communications and other electronic devices not in compliance with school specific rules as established by building principals.

**Profanity and Obscenity**

To use vulgar, profane or obscene language, visual images or gestures; to possess obscene or pornographic literature or visual images; to engage in conduct that is vulgar, obscene, profane or which disrupts the teaching and learning environment.

**Sexual Offenses**

To commit sexual offenses against any person, including but not limited to sexual assault, sexual battery, rape, attempted rape, aggravated sexual battery, improper touching, indecent exposure and lewd behavior. Sexual offenses committed with force upon any person shall result in a ten-day suspension from school and recommendation for expulsion. Improper touching shall result in disciplinary measures up to and including a ten-day suspension and a possible recommendation for expulsion. Consensual touching, while not reported to the Board of Education, may still be inappropriate depending upon age and developmentally appropriate behavior and subject to corrective action.

**Stalking**

To engage in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault or bodily injury.

**Theft**

To unlawfully take, carry away, lead or ride away property from the possession of another person. This includes pocket picking, purse snatching, theft from the building, from a motor vehicle, of a motor vehicle, or from coin-operated machines. This includes robbery. Theft by force is more severely punished.

**Threats**

To unlawfully place a staff member, student, or other person in fear of bodily harm through physical, written or verbal threats without the use or presence of weapons. If a weapon is present, the misbehavior will be treated as a weapons offense.

**Tobacco Violations**

To possess or use tobacco, tobacco products or smokeless tobacco in violation of [Policy 9.37 Tobacco and Tobacco products](#) .

**Trespass on School Property**

To enter or remain on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion, and unauthorized persons who enter or remain on school property after being directed to leave by a Falls Church staff member or police officer. This includes unlawful entry or breaking and entering.

**Unauthorized Photography**

To acquire for publication, using a camera or a portable communication device, and still images, audio or video images and likenesses of the schools, facilities, programs, activities, students, staff or other persons, without the express prior permission of the school or person(s) involved. Publication includes, but is not limited to, posting on websites or other online services, and will be considered as evidence of an unauthorized acquisition.

**Unexcused Absences or Tardiness**

To be absent from or report late to class or school or leave school early 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.

**Vandalism**

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To willfully or maliciously destroy, damage or deface public or private property, real or personal, without the consent of the owner or the person having custody or control of the property, including graffiti.

**Weapons Violations**

To possess or use any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such, or firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs. This regulation incorporates [Policy 9.28 Weapons](#), which provides that students will face expulsion or suspension from school depending upon the nature of the weapon and the circumstances.

**C. SCHOOL CONSEQUENCES**

Schools have an obligation to provide a safe, secure learning environment for all members of the community. To fulfill that obligation, student misbehavior must be prevented, or stopped when it happens. Sanctions and consequences serve several purposes including stopping and correcting current misbehavior, preventing future misbehavior, providing students a chance to reflect upon and understand their behavior and its consequences; allowing students to learn from their errors; identifying the need for risk assessment for students, and evaluating how the educational setting is meeting the student's needs.

Consequences shall be determined on the basis of the facts presented in each instance of misconduct in the reasonable discretion of the appropriate school officials, the Superintendent, and/or the School Board and its designated committees.

Each principal is authorized to determine school specific consequences and remedies for dress code violations.

Each school will have an effective and accessible procedure for students and staff to file complaints of bullying, will investigate such complaints promptly and take appropriate corrective action. Each school's procedure will be included in student handbooks/agendas, and discussed with students and staff during the school year. Each school will also develop plans to prevent bullying and to support and empower students who are witnesses to or targets of bullying.

Each school will also have effective and accessible procedure for students and staff to file complaints of other misconduct, will investigate such complaints promptly and take appropriate corrective action. Each school's procedure will be included in student handbooks/agenda, and discussed with students and staff during the school year.

**1. Consequences Without Prior Parental Notice**

The following actions may be used by designated school personnel without prior notice  
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to the parents/guardians:

- academic consequences including but not limited to diminished credit on assignments, for violations including cheating/plagiarism and unexcused absences
- counseling
- admonition
- tasks or restrictions assigned by the principal or designee
- time-out
- detention
- school/community service
- teacher conferences
- loss of privileges, including participation in extracurricular and co-curricular activities for ten or fewer school days
- Saturday school
- in-school suspension
- removal from class as described in 3. below

## **2. Consequences With Prior or Contemporaneous Parental Notice and/or Action**

The following actions, determined by the principal, require prior or contemporaneous communication (as appropriate) with the parents/guardians.

- conference with parents/guardians
- loss of privileges, including participation in extracurricular and co-curricular activities for more than ten school days
- alternate educational placement
- referral for evaluation for alcohol or substance abuse (see [Policy 9.36](#) )
- participation in a drug, alcohol, or violence intervention, prevention, or treatment program
- referral for mental health and behavioral evaluation
- suspension from school (see [Policy](#) and [Regulation 9.26](#) )
- recommendation for expulsion from school (see [Policy](#) & [Regulation 9.26](#) )

Prior or contemporaneous communication will afford the student and parents/guardians an opportunity to discuss the principal's decision concerning the actions taken.

## **3. Student Removal from Class**

**a. Initial Authority:** Teachers shall have the initial authority to remove a student from a class period for disruptive behavior. For the purposes of this policy, "disruptive behavior" means a violation of School Board regulations governing student conduct that interrupts or obstructs the learning environment. Teachers may exercise this authority when the following criteria have been met:

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- the removal is necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior
- the teacher and/or administrative interventions have been attempted and failed to end the student's disruptive behavior
- the notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators have been provided to the student's parents/guardians as described below; and
- the removal of the student by a teacher is an appropriate response to the student behavior

**b. Reporting:** Teachers shall file with school administrators an incident report of the disruptive behavior that led to removal, along with any other documentation to support such removal. Building principals will use forms designed to provide the necessary notice of the behavior that triggered the removal and to reflect the disciplinary consequences used in each building.

**c. Notification:** Each student removed from class under this policy and his/her parents/guardians shall be notified in writing of the incident report and its contents. The student and parents/guardians will be given an opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease. Such notice shall be provided within twenty-four hours of each incident.

**d. Alternative Assignment:** A student removed under this policy shall have an alternative assignment within the school building. His/her instruction shall continue. The length of such removal will be of a definite duration, or the teacher shall identify the conditions under which the student may return to class.

**e. Return of Student to Class:** Students will return to class at the end of the definite period of removal as identified at the time of the removal under paragraph d above; or when the conditions under which a student may return to class have been satisfied; or if the principal determines that the incident report and documentation supplied by the teacher do not justify removal or the duration of the removal under the criteria of section C.3.a., after affording the teacher an opportunity to participate in the decision to return the student. If there is disagreement between the teacher and principal on the principal's decision to return a student to class, such disagreement shall be resolved by a review committee composed of a teacher and a principal from a different school and one system-wide administrator.

#### **4. Requirement to Reimburse School Board for Actual Losses to Property**

In addition to any other school consequence, a student (or the student's parent/guardians) shall be required to reimburse the School Board for any actual loss of, breakage of, destruction of, or failure to return property owned by or under the control of the School Board caused or committed by such student.

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**D. REPORTING OF CRIMINAL ACTIONS**

Conduct which is required to be reported to law enforcement authorities shall be reported. School staff will report all misconduct which might be criminal to the school principal or designee.

The principal or his/her designee shall notify:

- law enforcement authorities when required
- the Superintendent
- the parents/guardian of any student involved in an incident which is required to be reported to the Superintendent and Virginia Board of Education
- the parents/guardians of any student who is the target of another student's unlawful misbehavior that the incident has been reported to law enforcement and that the parents/guardians can contact the law enforcement authorities for further information.

**E. ADULT STUDENTS**

With certain exceptions, eighteen year-olds are considered adults under the laws of Virginia ([Code section 1-203](#)) While adult students may solely exercise some responsibilities regarding field trips, controlling third party (other than parents) access to education records, consenting to medical treatment, and questioning by law enforcement officials, parents/guardians continue to have a role in academic matters including access to education records and notifications regarding students. At or around the time a student turns eighteen, the Falls Church City Public Schools will provide the student and the student's parents information about the shared rights and responsibilities of the adult student and the student's parents. Adult students may acknowledge receipt of the information by signing an acknowledgement form which is available in the guidance office. A copy of the signed form will be provided to parents/guardians.

As provided by federal law, the parents/guardians of a student who is a dependent for tax purposes continue to have access to the student's education records, including report cards, and attendance records, and the right to receive regular notifications. School personnel will continue to contact the student's parents/guardians regarding the student's academic performance in school and any suspension or expulsion from school even though an acknowledgement form is signed by the student.

**Legal References:** Code of Virginia, 1950 as amended, sections 18.2-56,18.2-83, 18.2-85, 18.2-87.1,18.2-308, 18.2-308.1,18.2-308.7,18.2-433.1,22.1-70.2,22.1-78, 22.1-202, 22.1-253.13:7.C.3, 22.1-276.3, 22.1-277, 22.1-277.07:1, 22.1-279.1, 46.2-323, 46.2-334.001

Student Conduct Policy Guidelines, 2005 Update (Virginia, Board of Education)

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Information Brief: Cyberbullying and School Policy (Virginia Department of Education, August 2008)

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