



Williamsburg-James City County Public Schools

2017-18 CODE OF CONDUCT



WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOLS

PURSuing EXCELLENCE AND CHAMPIONING THE SUCCESS OF ALL STUDENTS.

MISSION

WJCC provides each and every student with the knowledge, skills and values to be a lifelong learner, communicate, think critically, work and live productively, and contribute constructively to the lives of others. WJCC is committed to providing the variety of programs necessary to address the range of students' interests and needs as they grow academically, socially and emotionally.

INDIVIDUALISM

Focus on the needs of individual students and personalize their learning experiences.

INTEGRITY

Act and display the highest levels of honesty, reliability and fidelity in all of our actions.

INNOVATION

Students deserve instruction that keeps pace with advancements in education and the global society.

ACCOUNTABILITY

To our students, our staff and our community in our efforts to provide a premier education for every child.

COLLABORATION

Harness the creativity and support of our colleagues, families and community to reach our goals.

Williamsburg-James City County Schools will not discriminate on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law in its educational programs, activities or employment.



Williamsburg-James City County Public Schools School Board & Central Office

P.O. Box 8783 • Williamsburg, VA 23187
Phone: (757) 603-6400 | wjccschools.org

WJCC School Board

Kyra Cook
Chair

City of Williamsburg

Holly A. Taylor, M.S.Ed.

Vice Chair

Stonehouse District

Julie Y. Hummel, M.Ed.

Parliamentarian

City of Williamsburg

James W. Beers, Ph.D.

Roberts District

Jim Kelly, PE

Jamestown District

Lisa Ownby, M.S.W.

Powhatan District

Sandra S. Young, M.S.Ed.

Berkeley District

Superintendent

Olwen E. Herron, Ed.D.

Welcome to the 2017-18 school year! Providing a safe, caring and effective learning environment is a top priority of our School Division. WJCC staff members are committed to working in partnership with parents and students to ensure that our students receive the support and encouragement they need to reach their highest level of achievement. The WJCC Code of Conduct serves as the foundation of this effort by outlining for parents and students the rights, responsibilities and expectations for student behavior.

The School Division, its employees, parents and students must follow all WJCC policies, as well as state and federal laws. The Code of Conduct is intended to promote safe schools with positive learning environments. All school rules apply when students are present on school grounds, before and after school, traveling to and from school, riding the bus, participating in extra-curricular activities, representing the school, and/or under the supervision of school personnel.

We encourage you to read and review the Code of Conduct with your child(ren) and refer back to it as needed throughout the school year. By communicating the rights, responsibilities and expectations from the beginning we believe we are helping to set up our students for success.

We look forward to a positive and productive 2017-18 school year.

Sincerely,

Kyra Cook
Chair of the School Board

Olwen E. Herron
Superintendent

Table of Contents

Student Rights & Responsibilities 5
Parent Rights & Responsibilities. 5
Bus and Bus Stop Expectations 6
Consequences & Definitions. 7
Disciplinary Authority of the School Board under Certain Circumstances & Code of Conduct Guidelines 8
Offenses. 9–14

- Aggravated Sexual Battery 9
- Alcohol & Drugs 9
- Arson. 9
- Assault & Battery. 10
- Assault with a Firearm or Other Weapon 10
- Attendance. 10
- Bomb Threats 10
- Bullying and Cyberbullying 10
- Burglary. 10
- Bus Misconduct. 10
- Cheating or Plagiarism. 10
- Classroom or School Disruption. 11
- Defiance or Insubordination 11
- Disrespect 11
- Dress Code 11
- Driving Infractions. 11
- Extortion 11
- False Alarm 11
- Fighting. 11
- Gambling 11
- Gang Activity 11
- Hazing. 12
- Harassment/Discrimination 12
- Lying/Falsification 12
- Malicious Wounding 12
- Medication 12
- Offensive Language 12
- Portable Communication or Electronic Devices 12-13
- Robbery 13
- Sexual Assault. 13
- Sexual Harassment. 13
- Stealing. 13
- Technology Misuse. 13
- Threats 13

- Tobacco 13
- Trespassing 13
- Unauthorized Property. 13
- Vandalism. 14
- Weapons/Dangerous Objects 14
- Withholding of Evidence 14
- Other Good and Just Cause. 14

Williamsburg-James City County Public Schools and Virginia Policy & Procedures. 15–36

- Due Process Safeguards (JGD/JGE) 15–17
- Discipline of Students with Disabilities 17–21
- Discipline Procedures for Students Receiving Section 504 Services. 21–22
- Sexual Harassment Complaint Policy (JBCC). 22–26
- School Attendance (JEA) 26–28
- Student Discipline: Reports of Certain Acts to Parents, School Officials and Police (JGD) 28–29
- Parent Responsibilities and Involvement (JGE) 29–30
- School Uniforms and Dress Code (JFCA). 30
- Gang Activity or Association (JFCE). 30–31
- Alcohol and Drugs (JFCF) 31
- Weapons (JFCJ). 31–32
- Teacher Removal of Students from Class (JGCA) 32
- Student Automobile Use (JHFD) 32–33
- Search and Seizure (JIHA). 33
- Equal Educational Opportunities/Nondiscrimination/ Harassment (JB) 33–36
- Student Conduct on School Buses (JFCC). 36

Code of Conduct Acknowledgment. 37

Student Rights & Responsibilities

School Attendance

Right: Students have the right to a public education unimpaired because of gender, race, religion, national origin, or disability. This means free admission to the schools.

Responsibility: In Virginia a student is required by law to attend school until the age of 18. It is the responsibility of every student to attend school on a regular basis and on time.

Education/Learning Environment

Right: Students have the right to equal educational opportunity without interference from other students and from trespassers on school property or at school events. Students have the right to a safe and orderly environment while in schools, classrooms, or at school events.

Responsibility: Students have the responsibility to ensure that their actions do not disrupt the school, classroom, school activities, or bus. Students have the responsibility to come to class prepared, follow directions, and participate.

Expression

Right: Students have the right to express themselves in speech, writing, or symbolism within boundaries of the law. This right does not entitle them to misinform, slander and or display pornography.

Responsibility: Students have the responsibility to ensure that such expression does not disrupt the educational process, present health or safety hazards, damage public property, violate the law, the rights of others, the dress code or the requirements of the Code of Conduct.

Transportation

Right: Students have the right to use transportation that is safe, orderly, and provided by the School Division.

Responsibility: Students have the responsibility to conduct themselves in a safe and orderly manner while being transported and to refrain from violating federal, state, or local laws.

Due Process

Right: Students facing disciplinary action are entitled to fair procedures to determine the facts. Students are entitled to appeal decisions resulting in disciplinary action such as suspension, expulsion, or exclusion from school.

Responsibility: Students have the responsibility to take an active role, participate, ask questions, and to be truthful.

Parent Rights & Responsibilities

As a parent, you are your child's first teacher and you can often help to provide positive options for your child when situations arise at school.

Rights

As a partner in the overall education of your child, you have the right to:

- Actively participate in the school community
- Work collaboratively with teachers, staff and your child
- Ask questions anytime about your child's academic or developmental progress
- Acknowledge positive experiences for your child and provide feedback
- Be informed of the School Division's policies and expectations for your child
- Be kept informed of your child's progress
- Advocate for your child

Responsibilities

As a partner in the overall education of your child, you have the responsibility to:

- Support the efforts of the school community
- Review and support the Code of Conduct with your child to ensure understanding of the expectations and support implementation of the Code of Conduct
- Promote positive behavior and decision making for your child
- Make school attendance a priority for your child
- Work collaboratively to address matters in an age appropriate manner
- Meet with school staff when requested
- Sign and return the form acknowledging receipt of this handbook (located at the back of the handbook)

Bus and Bus Stop Expectations

Students are required to conduct themselves on the bus and at the bus stop in a manner consistent with the Code of Conduct. Riding the school bus is a privilege and should be respected and valued. The bus rules also apply when traveling for extra-curricular trips under school sponsorship. It is our goal to provide students a safe and non-threatening environment; therefore, bus drivers may institute and apply additional rules to maintain safety and order.

Safety Tips for walking to and from the Bus stop:

- Try to always walk with a friend and in a group.
- Use the sidewalk or stay close to the roadside curb to be easily seen.
- Avoid strangers.
- Stay in well-lit or populated areas.

Rules for the Bus Stop:

- Be on time, at least five minutes before scheduled pick up.
- Be safe and stand on the sidewalk or in the grass off of the road. Stay alert to traffic.
- Wait quietly and orderly.
- Make sure the bus has come to a complete stop before boarding and respect the danger zone- ten feet around the bus. Check traffic and look both ways before crossing the street to board the bus.
- Take your time and use the handrail when entering or exiting the bus.

While on the Bus:

- Be Respectful: Follow directions from the bus driver. Use soft voices and appropriate language. Use care with the bus equipment, the seat, and the interior.

- Be Responsible: Save food and drink for later. Keep your belongings secured and with you at all times. Remember to follow classroom rules and safety guidelines.
- Be Safe: Take your seat quickly, face forward, and remain seated for the duration of the ride. Keep your hands and head inside the bus and to yourself at all times. Sit quietly and respectfully when the dome lights are on.

Leaving the Bus:

- Remain seated until the bus comes to a complete stop.
- Make sure to remove all belongings that you brought on the bus. Clean up any trash in your seat.
- Leave in an orderly manner.
- Leave at your assigned stop. Students will only be permitted to leave at their designated stop unless proper authorization has been received from the parent and school administrator.
- Students should remain in their seats until dismissed by the driver.

Bus Changes:

- Bus changes should be kept to a minimum and authorized in emergency or extreme circumstances only.
- A signed written permission note from the parent/guardian is required and must be brought to the main office upon arrival at school to receive a bus note for the bus driver. The parent/guardian's contact numbers must be included in the note for verification from the school. Bus drivers will not admit students onto the bus without the appropriate forms.

QUESTIONS?

Transportation: (757) 565-0808 (option 2)

<http://www.infofinderi.com/ifi/?cid=WCS5PS4DTKVX>



Consequences

As students grow older they should also be maturing; therefore, the expectations for responsible behavior increase with the age and grade of the student. If unacceptable and inappropriate behaviors increase in frequency, so will the sanction in both severity and duration.

LEVEL 1

- Parent notification
- Warning/reprimand
- Lunch detention
- Behavior essay
- After-school detention
- Saturday school
- Behavior contract
- Community service
- Loss of extracurricular/school activities or privileges
- Confiscation of portable communication or electronic devices
- Education/Remediation
- Restorative Practices
- Counselor/Support Staff referral/intervention

LEVEL 2

- Loss of bus privileges
- In-school suspension
- Removal from class, time out

LEVEL 3

- Out-of-school suspension (1-10 days)

LEVEL 4

- Ten day out-of-school suspension with an automatic referral for a disciplinary hearing with a recommendation for long-term suspension.

LEVEL 5

- Ten day out-of-school suspension with an automatic referral for a disciplinary hearing with a recommendation for expulsion.

Definitions

- **Incident:** The event itself (such as a fight) that may involve one or more student offenses.
- **Infraction:** Problem behavior exhibited by student(s) involved in an incident (also known as an offense). An incident may involve one or more infractions.
- **Primary Offense:** The most important or severe infraction.
- **Disposition:** Disciplinary consequence imposed on a student for his/her misconduct (also called a sanction or outcome).
- **Referral:** Written notice to school administration regarding an incident of misconduct.
- **Appeal:** Impartial evaluation of a disciplinary matter to determine if the procedure and consequence are fair and consistent.
- **Hearing:** Meeting designed to provide the opportunity to review the facts of a disciplinary matter and to determine appropriate consequences based on School Board Policy.

 Required to be reported to law enforcement

For the purposes of this handbook, unless the context clearly indicates otherwise:

- **Drug paraphernalia** shall mean those items described in Section § 18.2-265.1 of the Code of Virginia.
- **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 a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid or marijuana.
- **Medication** shall mean any drug or other substance used in treating diseases, healing or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like.

Code of Conduct Guidelines, Definitions, Rules and Consequences

Disciplinary Authority of the School Board under Certain Circumstances (§ 22.1-277.2:1)

- A. A School Board may, in accordance with the procedures set forth in this article, require any student who has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the Superintendent of the School Division pursuant to subsection G of § 16.1-260; (ii) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the School Division pursuant to subsection G of § 16.1-260; (iii) found to have committed a serious offense or repeated offenses in violation of School Board policies; (iv) suspended pursuant to § 22.1-277.05; or (v) expelled pursuant to § 22.1-277.06, 22.1-277.07, or 22.1-277.08, or subsection B of § 22.1-277, to attend an alternative education program. A School Board may require such student to attend such programs regardless of where the crime occurred. School boards may require any student who has been found, in accordance with the procedures set forth in this article, 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.
- As used in this section, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.
- B. A School Board may adopt regulations authorizing the Division Superintendent or designee to require students to attend an alternative education program consistent with the provisions of subsection A after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the Division Superintendent or designee regarding such placement. The decision of the Superintendent or designee regarding such alternative education placement shall be final unless altered by the School Board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the School Board.
- C. A School Board may adopt regulations authorizing the principal or designee to impose a short-term suspension, pursuant to § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in subsection G of § 16.1-260, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

Code of Conduct Guidelines (Policy JFC)

Disciplinary consequences are actions taken to correct inappropriate or unsafe behaviors. Through teacher interventions and school-wide positive behavior models, WJCC staff members work to prevent inappropriate and unsafe behaviors before they start or to intervene to keep these behaviors from escalating. In order to maintain a safe and appropriate educational environment for students and employees, all Division employees are required to report violations of the Student Code of Conduct to the appropriate school administrator.

The offenses outlined in this document are the most common infractions of school and bus rules. Students may be disciplined for conduct which is not described herein, but which interferes with the educational process or threatens the safety or welfare of staff or students. School officials are authorized to use any and all disciplinary actions permitted by Virginia law.

Unless specifically indicated, the list of violations shall apply to all students, on all school property and at all school activities and functions, including, but not limited to, field trips and athletic events, before and after-school programs, and summer school sessions. The rules apply to students coming to and returning from school, including, but not limited to, school bus stops and the bus.

Additionally, many of these offenses may be considered violations of the law.

Students and parents may be held financially responsible for damages incurred as a result of violations of the Student Code of Conduct. The School Board may take action against a student or the student's parent(s) for any loss, breakage or destruction of or failure to return property owned by or under the control of the School Board. Such action may include seeking reimbursement from a student or the student's parent(s) for any such loss, breakage or destruction of or failure to return school property.

Any violation of school rules can result in disciplinary action; however, serious or repeated violations will result in an automatic referral for a disciplinary hearing and can result in suspension or expulsion.

Offenses (Policy JFC) and Range of Consequences

Aggravated Sexual Battery

Range of Consequence **K-5:** Level 4-5 • **6-12:** Level 4-5

Attempted sexual intercourse or a violent or aggressive action of a sexual nature committed against another person by force, threat or intimidation resulting in mental distress or bodily injury.

Alcohol & Drugs

Range of Consequence **K-5:** Level 2-5 • **6-12:** Level 3-5

The unlawful manufacture, distribution, dispensation, possession, use, or facilitating the use of, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, synthetic cannabinoids or other controlled substance as defined § 18.2-247 of the Code of Virginia and as defined in Schedules I through V §202 of the Controlled Substance Act at 21 U.S.C. §812, imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, or going to and from school is prohibited.

“Drug paraphernalia” shall mean those items described in Section § 18.2-265.1 of the Code of Virginia.

“Controlled substance” shall mean those substances described in the Drug Control Act of Chapter 34 of Title 54.1 of the Code of Virginia and the Controlled Substance Act in 21 USC § 812.

“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 a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid or marijuana.

In accordance with § 22.1-277.08 of the Code of Virginia, a student who has brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity must be recommended for expulsion by the principal, unless the principal determines that, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. If the principal recommends expulsion, the Superintendent or his designee is authorized to conduct a preliminary review of such cases to determine whether disciplinary action other than expulsion is appropriate. In any such case in which a recommendation of expulsion is before the School Board, the School Board may determine that, under the facts of the particular case, special circumstances exist and another disciplinary action is appropriate. If other disciplinary action is taken, the procedures set forth in Policy JFC (student discipline Policy) shall be followed.

The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student’s parent consents.

Except as permitted under Policy JHCD, Administering Medication to Students, students are prohibited from possessing any medication or prescription drugs, even if recommended or prescribed for the student’s use. “Medication” means any drug or other substance used in treating diseases, healing or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, caffeine pills, nutritional and herbal supplements, and the like.

Student possession of over-the-counter drugs and prescribed medication may result in the same interventions and consequences as controlled substances.

Arson

Range of Consequence **K-5:** Level 3-5 • **6-12:** Level 3-5

Intentionally damaging or attempting to damage any school or personal property by fire or incendiary device.

 Required to be reported to law enforcement

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.

Assault & Battery

Range of Consequence **K-5:** Level 3-5 • **6-12:** Level 4-5

The use of physical force with the intent to commit bodily harm against a student, staff member or any other person. This action may extend to hitting or other aggressive actions, which could result in harm or injury to a bystander.

Assault with a Firearm or Other Weapon

Range of Consequence **K-5:** Level 3-5 • **6-12:** Level 3-5

With a weapon, causing bodily harm to an individual.

Attendance

Range of Consequence **K-5:** Level 1 • **6-12:** Level 1-2

Absence from school or class without permission. This includes unexcused absences or tardies and cutting class.

Bomb Threats

Range of Consequence **K-5:** Level 1-5 • **6-12:** Level 3-5

Conveying by any means, whether verbally or in writing, a plan, intent or threat to detonate or ignite a destructive explosive device.

Bullying & Cyberbullying

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 2-5

Bullying is intentional, repeated, aggressive and unwanted behavior, physical, psychological or emotional, that is intended to harm, intimidate or humiliate the victim; involves a real or perceived power imbalance between the aggressor(s) and victim which occurs over a period of time or causes severe emotional trauma. Bullying includes cyberbullying. Bullying does not include ordinary teasing, horseplay, argument or peer conflict.

Cyberbullying is a form of bullying that includes, but is not limited to, using information and communication technologies, such as e-mail, cell phone, text message, instant messaging, defamatory websites or polling sites, to support deliberate, hostile behavior intended to harm others. Cyberbullying using the WJCC network, WJCC computers or other wireless communication devices in schools, on school property or at school-related activities will result in disciplinary action.

Cyberbullying that occurs off school grounds and/or does not include the use of WJCC network or computers may also result in disciplinary action if it causes or is likely to cause a disruption to students, staff or the operation of the school building or the School Division.

Burglary

Range of Consequence **K-5:** Level 2-4 • **6-12:** Level 2-4

Breaking into a school room, building or school property, such as a bus, for the purpose of stealing.

Bus Misconduct

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-3

Actions in violation of standard bus safety rules or which may divert the driver's attention and jeopardize the safety of riders.

Cheating or Plagiarism

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-3

Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.

 Required to be reported to law enforcement

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.

Classroom or School Disruption

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 1-4

Physical or verbal actions which distract students and staff or which otherwise interfere with or disrupt the teaching/learning process. This shall include being in an area without permission.

Defiance or Insubordination

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 1-4

Refusal to follow the direction of any staff during the time the student is in school or participating in a school activity.

Disrespect

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 1-4

Acting in a disrespectful or insulting manner. Treating staff or other students with contempt or rudeness.

Dress Code

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-2

Dress that is disruptive, distracting or revealing is not acceptable. Students shall comply with individual dress codes established by the school. (Policy JFCA, pg. 30)

Driving Infractions

Range of Consequence **K-5:** Not Applicable • **6-12:** Level 1-2

Driving any vehicle on school property or while under jurisdiction of school authority with disregard for the safety of persons or property. Violating parking permit policies and rules. (Policy JHFD, pg. 32-33)

Extortion

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 2-5

To obtain or attempt to obtain money, goods, a promise to act or information from another by force or intimidation.

False Alarm

Range of Consequence **K-5:** Level 1-5 • **6-12:** Level 3-5

Intentional false reporting or activation of emergency alarms, misuse of 911 emergency systems, or false activation of AED equipment.

Fighting

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 2-5

Intentionally striking a student with the purpose of causing harm or injury; this action may extend to mutual physical contact by pushing, wrestling, hitting or other aggressive actions, which could result in harm or injury to either party, to by-standers or to school property.

Gambling

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 2-3

Participation in games of chance for money and/or things of value. Making, placing or receiving any bet or wage of money or other thing of value dependent upon the result of the game, contest or any other event with an uncertain outcome.

Gang Activity

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 2-5

Participation in gang-related activity including visual signs of affiliation, intimidation or illegal actions. (Policy JFCE, p. 30)

 Required to be reported to law enforcement

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.

Hazing

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 2-5

No student shall intentionally endanger the health or safety of a student or inflict bodily harm on a student for the purpose of initiation, admission into or affiliation with, or as a condition for, continued membership in a club, organization, association, athletics, fraternity, sorority, or student body, regardless of whether the student participated voluntarily in the activity.

Harassment/Discrimination

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 2-5

Intentional actions, comments, hazing or taunting based on race, color, religion, sex, national origin, disability or any other basis provided by law. (Policy JB, pgs. 33-36)

Lying/Falsification

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-3

A verbal or written statement of any untruth and/or misrepresentation of person, fact, official record or other document.

Malicious Wounding

Range of Consequence **K-5:** Level 4-5 • **6-12:** Level 4-5

Intentionally causing another person bodily injury by any means with the intent to maim, disfigure, disable or kill.

Medication

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-3

Unless otherwise authorized under Policy JHCD, students are prohibited from possessing any prescription or non-prescription medication of any kind.

Offensive Language

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-3

Verbal or non-verbal communication that is abusive, obscene, vulgar or profane.

Portable Communication or Electronic Devices

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-2

The possession of portable communication and/or electronic devices by students on school grounds is a privilege, not a right, and any student who brings a device onto school property consents to these rules and to the School Division's right to confiscate and/or search such devices. Devices include, but are not limited to: pagers/beepers, cellular telephones, radios, tape or digital recorders, electronic games, MP3 players, iPods, laptops, tablet computers, and smartphones.

While on school property, at any school-related activity, or while traveling to and from school or school-related activities, students shall neither take nor display audio, video graphic or still images of a person. School Division staff members do not assume responsibility for the security of communication and/or electronic devices that are brought onto school property. All students are prohibited from possessing laser pointers at all times.

Grades K-8: All portable communication and electronic devices must be turned off and stowed away at all times unless utilized for instructional purposes or otherwise approved by school personnel. Students may possess these devices on school grounds provided that they are not visible and are not activated during the school day. The power on these devices must be turned off prior to entering the school. Leaving the device on "vibrate", "silent", or "ringer off" is not acceptable.

Grades 9-12: Students may bring personally owned electronic devices for use in the support of instruction provided that the student and a parent/guardian read, agree to, and turn in signed agreement forms for policies IIBEB (Bring Your Own Device) and IIBEA (Technology Acceptable Use Policy or AUP). Students will follow teacher and administrator instructions and turn devices off as instructed.

 Required to be reported to law enforcement

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.

Portable Communication or Electronic Devices (cont.)

For safety reasons, students may utilize these devices after school hours provided that the use of the device does not distract from or disrupt activities.

Robbery

Range of Consequence **K-5:** Level 2-4 • **6-12:** Level 3-5

Attempting to take or taking of personal or school property from another person by threat or use of force or violence.

Sexual Assault

Range of Consequence **K-5:** Level 3-5 • **6-12:** Level 3-5

Sexual penetration without consent; includes statutory rape and carnal knowledge of a minor.

Sexual Harassment

Range of Consequence **K-5:** Level 1-4 • **6-12:** Level 2-5

Sexual harassment may include, but is not limited to, written and/or verbal harassment or abuse, indecent propositions, subtle pressure for sexual favors, unwelcome touching or sexual advances, indecent exposure, or inappropriate physical contact of a sexual nature which creates an intimidating, hostile or offensive school/work environment.

Stealing

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-4

Taking, possessing or transferring the property of another without the consent of the owner.

Technology Misuse

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-4

Unauthorized access to or inappropriate use of technology resource or in violation of the Acceptable Use Policy or Bring Your Own Device Policy (BYOD).

Threats

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-4

Direct or indirect threats (verbal, physical, written or electronic) which imply or create fear of bodily harm or violence to another student or adult. (Threats against staff require police notification)

Tobacco

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-3

The use, distribution, selling or possession of any tobacco product, including smokeless tobacco, electronic cigarettes, nicotine vapor and alternative nicotine products, as defined in Section § 18.2-371.2 of the Code of Virginia, or related paraphernalia such as matches, lighters, electronic paraphernalia, etc. is prohibited.

Trespassing

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-3

Entering any school property or school facility without proper authorization, including entering any school or school activity during a period of suspension or expulsion.

Unauthorized Property

Range of Consequence **K-5:** Level 1-2 • **6-12:** Level 1-3

The unauthorized possession or use of any type of personal property, such as toys, games, electronic devices, or any other item which disrupts the educational process, is prohibited.

 Required to be reported to law enforcement

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.

Vandalism

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-4

Willful or malicious destruction or defacing of school property or the property of others. Student/parent(s) will be held financially responsible as allowed by Virginia law.

Weapons/Dangerous Objects

Range of Consequence **K-5:** Level 1-5 • **6-12:** Level 2-5

Possession or use of a weapon, whether operable or inoperable, including, but not limited to, knives, firearms, explosives and flammables, or any item that can be or is used as a weapon or to start a fire, in a school building, on school property, at a school-sponsored activity, or going to or from school, is prohibited. Students who violate this prohibition will be subject to disciplinary action up to and including expulsion. A violation will also be reported to law enforcement officials.

In accordance with state and federal law, a student who brings or possesses a firearm as defined in section 22.1-277.07(E) of the Code of Virginia or other weapon or device prohibited by section 22.1- 277.07(A) of the Code of Virginia onto school property or to a school-sponsored activity must be expelled for a minimum of 365 days. The School Board may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the Board from permanently expelling such student. In addition, the Superintendent or his designee is authorized to conduct a preliminary review of the matter and determine whether disciplinary action other than expulsion is appropriate.

While the possession or use of any weapon is prohibited and may result in disciplinary action up to and including expulsion, the following weapons on school property or at school-sponsored events require an automatic recommendation of expulsion:

1. Any firearm. "Firearm" means any weapon, including a starter gun, that will, or is designed or may be readily converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.
2. Any firearm muffler or firearm silencer.
3. Any pneumatic gun. "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.
4. Any destructive device. "Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, 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 § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

Withholding of Evidence

Range of Consequence **K-5:** Level 1-3 • **6-12:** Level 1-3

Purposefully destroying or refusing to surrender any material, item, weapon or object in one's possession which a school employee has requested the student surrender.

Other Good & Just Cause

Range of Consequence **K-5:** Level 1-5 • **6-12:** Level 1-5

Students may be suspended, expelled or subject to other disciplinary action for good and just cause.

 Required to be reported to law enforcement

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.

Williamsburg-James City County Public Schools and Virginia Policies & Procedures

The School Board's Policy manual, including its policies relating to student rights, duties and discipline, is on the School Division's website (<http://www.wjccschools.org>) and you are urged to visit that website to familiarize yourself with those policies.

Due Process Safeguards (Policy JGD/JGE)

Suspensions and Expulsion Defined

For the purposes of this Policy, unless the context clearly indicates otherwise:

Short-term Suspension:

Disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days.

Long-term Suspension

Disciplinary action whereby a student is not permitted to attend school for more than 10 school days but less than 365 calendar days.

Expulsion

Disciplinary action imposed by the School Board or a committee thereof, as provided in School Board Policy, whereby a student is not permitted to attend school within the School Division and is ineligible for readmission 365 calendar days after the date of the expulsion.

Exclusion

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 30 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.

A. Short-Term Suspension

A student may be suspended out-of-school for violations of the Student Code of Conduct. The principal or assistant principal may suspend a student out-of-school for 10 days or less using the following procedures:

1. Informal Hearing

Except in an emergency situation requiring the student's immediate removal, no student shall be suspended from school prior to having an informal hearing before the assistant principal or principal.

- At such an informal hearing, the student shall be informed of the charges and given an opportunity to respond.
- If the student denies the charges, the assistant principal or principal shall give the student an explanation of the evidence supporting the charges and an opportunity to explain his/her version of the facts.
- If appropriate, the assistant principal or principal may conduct a further investigation into the matter before taking action.

In emergency situations where a student's presence may pose a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student may be suspended from school immediately without the informal hearing set forth above. In such cases, the student shall be given the informal hearing as soon as possible, but not later than (3) school days after the immediate suspension.

2. Notice of Suspension

Once a decision to suspend is made, the assistant principal or principal shall observe the procedures listed below:

- a. The assistant principal or principal will attempt to notify the parent(s)/guardian(s) as soon as possible by telephone, and shall notify the parent(s)/guardian(s) and student in writing of the suspension and the reasons thereof. The written notice shall also state any conditions of the suspensions, e.g., required parental conference, prohibition of coming onto school property, and the date that the student may return to school; shall indicate any recommendation or referral for a disciplinary hearing; and shall also inform the parent(s)/guardian(s) in writing that the suspension decision may be subject to review by the Superintendent or designee. Except in an emergency, a student is not to be dismissed during the school day without prior notice to the parent(s)/guardian(s).
- b. A copy of the written notice of a suspension shall be transmitted by the assistant principal or designee to the Superintendent's designee within two school days.

3. Review of Short-Term Suspension

If a student is suspended by the assistant principal or principal, the student and/or parent(s)/guardian(s) may request in writing within two (2) school days that the Superintendent or designee review the suspension, which will be on the record. The decision of the Superintendent or designee will be final. The failure to request a review of the suspension in writing within the prescribed time will constitute a waiver of the right to a review of the short-term suspension. ***The suspension shall remain in place during the review process.***

B. Long-Term Suspension

1. Procedures Governing Long-Term Suspensions

If a student is recommended for long-term suspension, the following procedures shall be observed:

- a. The principal and/or assistant principal shall notify the student's parent(s)/ guardian(s) and the student in writing of the recommendation for long-term suspension and the reasons thereof.
- b. A copy of the written notice of the recommendation for long-term suspension shall be transmitted to the Hearing Officer within two (2) school days.
- c. The Hearing Officer will conduct a hearing within ten (10) days of the recommendation, unless the student and his/her parent(s)/guardian(s) agree to an extension of the hearing.
- d. The Hearing Officer may uphold the recommendation and/or recommend various forms of other disciplinary action, including, but not limited to, disciplinary probation, community service work assignments, placement in alternative education programs, or referral to other public agencies. Violation of a disciplinary probation contract may be cause for long-term suspension.
- e. If the Hearing Officer long-term suspends the student, the principal, the student, and the student's parent(s) shall be advised in writing of the decision, including any conditions placed on the student and of the student's right to appeal the decision to the School Board. The parent(s)/guardian(s) will be provided a copy of the Appeal Process at the conclusion of the hearing.

2. Appeal of Long-Term Suspension

The appeal must be made in writing to the Superintendent within five (5) school days from the date of the decision or the right to appeal to the School Board will be waived. Upon a timely appeal, the School Board will decide the appeal on the record within 30 days of the appeal. The suspension shall remain in place during the appeal process.

After receipt of the written appeal and before the School Board renders its decision, the Superintendent or designee may review the Hearing Officer's decision to long-term suspend the student. If the Superintendent or designee decides to impose a different disciplinary action, the Superintendent or designee shall promptly notify the student and the parent(s) or guardians(s) of the student of the decision. If the student and the parent(s) or guardians(s) of the student are satisfied with the Superintendent's or designee's decisions, they may withdraw the appeal by promptly notifying the Superintendent or designee in writing.

C. Expulsion

1. Procedures Governing Expulsion

If a student is recommended for expulsion, the following procedures shall be observed:

- a. The principal shall notify the student's parent(s)/guardian(s) and the student in writing of the recommendation for expulsion and the reasons thereof.
- b. A copy of the written notice of the recommendation for expulsion shall be transmitted to the Superintendent's designee within two (2) school days.
- c. Once the Superintendent's designee receives notification of a recommendation for expulsion, the Superintendent's designee shall conduct a hearing to determine whether to recommend expulsion to the Board. If the recommendation of expulsion is upheld, the parents/guardian(s) and student shall receive notification in writing as to the date, time and location for the School Board meeting at which the case will be heard. The student shall be suspended pending the outcome of the hearing before the School Board.
- d. If the Superintendent's designee decides to impose a lesser disciplinary action for an offense which carries a mandatory recommendation of expulsion and the student and parent(s)/guardian(s) agree to such action, the student and parent(s)/guardian(s) shall indicate, in writing, their agreement to the imposition of such action without

further hearing or appeal. The School Board shall be advised of the Superintendent's designee's action and if it refuses to accept such action, the Superintendent shall notify the student and parent(s)/guardian(s) of such refusal and of the right of the student and parent(s)/guardian(s) to a hearing before the School Board upon the original recommendation of expulsion. The Superintendent shall present recommendations of expulsion or a lesser disciplinary action to the School Board for its consideration. ***The student shall remain suspended until the matter is decided by the School Board.***

- e. Recommendations of expulsion shall be heard by the full School Board or the committee thereof. A student will only be expelled upon vote of the School Board or the committee thereof. If the committee's decision is not unanimous, the student's parent/guardian may file a written appeal to the full School Board within 5 calendar days of the committee's decision. Failure to file a written appeal within 5 calendar days will constitute a waiver of the right to an appeal. The School Board shall consider and decide the appeal on the record within 30 calendar days of the request for an appeal. No statements, witnesses, or evidence may be presented at this appeal unless specifically requested by the Chairman of the Board.

The procedure for the hearing before the School Board, or the committee thereof, shall be as follows:

- i. The School Board/committee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be closed unless otherwise specified by the School Board/committee.
- ii. The School Board/committee may ask for opening statements from the principal or his/her representative and the student or his/her parent(s)/guardian(s) or their representatives and, at the discretion of the School Board/committee, may allow closing arguments.
- iii. The parties shall then present their evidence. Because the Superintendent has the ultimate burden of proof, he shall present his evidence first. After the Superintendent concludes his evidence, the student shall present his evidence. Witnesses may be questioned by the School Board/committee members and by the parties or their representatives. The School Board/committee may, in its discretion, vary this procedure, but it shall afford full opportunity to both parties the right of cross examination; provided, that the School Board may take testimony of student witnesses outside the presence of the student, his/her parent and their representative if the School Board/committee determines, in its discretion, that such action is necessary to protect the student witness.
- iv. The parties shall produce such other evidence as the School Board/committee may deem necessary. The School Board/committee shall be the judge of the relevancy and materiality of the evidence.
- v. Exhibits offered by the parties may be received in evidence by the School Board/committee and, when so received, shall be marked and made a part of the record.
- vi. The School Board/committee may, by majority vote, uphold, reject or alter the recommendation.
- vii. The School Board/committee shall transmit its decision to the student, his/her parent(s)/guardian(s), the principal and the Superintendent.
- viii. If the hearing was conducted by a committee of the School Board and its decision was not unanimous, the student and his/her parent(s)/guardian(s) may appeal the committee's decision to the full School Board as described above.
- ix. A student who has been expelled from school by the School Board may file a petition for readmission with the Superintendent no less than 300 and no more than 320 calendar days after the effective date of the expulsion. The School Board will consider and act upon such petition prior to the expiration of 365 days from the effective date of the expulsion. If the petition is denied, subsequent petitions for readmission may be filed a year later unless a different time period is set by the School Board when ruling on the initial petition for readmission.

Discipline of Students with Disabilities

A. General

A student with a disability shall be entitled to the same due process rights that all students are entitled to under the Code of Virginia and Williamsburg-James City County Public Schools disciplinary policies and procedures. In addition, children with disabilities will have access to the procedures set out below.

If the behavior of a child with a disability impedes the child's learning or that of others, the IEP team shall consider the use

of positive behavioral interventions, strategies and supports to address the behavior. The IEP team shall consider either:

1. Developing goals and services specific to the child's behavioral needs; or
2. Conducting a functional behavioral assessment (FBA) and determining the need for a behavioral intervention plan (BIP) to address the child's behavioral needs.
3. In reviewing the disciplinary incident, school personnel may review the child's IEP and any BIP, or consult with the child's teacher(s) to provide further guidance in considering any unique circumstances related to the incident.
4. School personnel may convene an IEP team for this purpose.

B. Short-Term Removals

1. A short term removal is a removal for ten (10) days or less at a time.
2. A student with a disability may be removed from the student's current educational setting up to and including ten (10) cumulative school days in a school year for any violation of school rules to the extent a removal would be applied to a student without a disability. No educational services are required during the first ten (10) days of removal in the school year.
3. A student with a disability may receive additional short term removals in the school year after accumulating ten (10) school days of removal. A pattern determination must be made. The determination as to whether the discipline will constitute a pattern is made by school personnel, which typically would consist of a school administrator and the special education teacher of the child. The student must be provided with educational services during these removals. If the removal does constitute a pattern, the requirements of subsection C of this procedure must be followed.
4. A pattern is a series of removals that, after accumulating more than ten (10) school days in a school year, are found to be a pattern because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals, and school personnel have considered such factors as the length of each removal, the total amount of time removed and the proximity of the removals to one another.
5. If there is no pattern:
 - a. A manifestation determination review, a functional behavioral assessment (FBA), and a behavior intervention plan (BIP) are not required. If, however, it is believed that these processes should be utilized, they should be initiated.
 - b. An IEP meeting is not required to determine educational services unless there is a need to revise the IEP to address the student's behavioral or academic needs.
6. The person or persons imposing the discipline should consider unique circumstances and discipline on a case-by-case basis.
7. Educational services during the period of removal are provided to enable the student to continue to progress in the general education curriculum and to progress toward meeting the goals of the IEP. These educational services are determined by school personnel in consultation with the student's special education teacher.
8. The student shall continue to participate in the Virginia Department of Education and Division wide assessment programs.

C. Long-Term Removals

1. A long term removal occurs and is considered a disciplinary change in placement if:
 - a. The removal is for more than ten (10) consecutive school days at a time, such as a long-term suspension or expulsion; or
 - b. The removal is a short-term removal after ten (10) cumulative days have occurred in the school year and a pattern exists.
 - c. In connection with any disciplinary change in placement, Williamsburg-James City County Public Schools shall notify the parent/guardian of the proposed removal and provide the parent/guardian with a procedural safeguards notice on the date on which the decision is made to impose a long-term removal.
 - d. A manifestation determination review meeting must be held within ten (10) school days and educational services will be determined through the IEP process.
2. Additional authority of school personnel in certain circumstances to remove a student:

- a. School personnel may remove a student with a disability to an appropriate interim alternative educational setting (IAES) for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) school days regardless of whether the behavior is a manifestation of the student's behavior, if:
 - i. The student carries a weapon to or possesses a weapon at school, on school premises or at a school function under the jurisdiction of any School Division or the Virginia Department of Education; or
 - ii. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of any School Division or the Virginia Department of Education. For purposes of this part, the definitions of § 8 VAC 20-81-10 apply:
 1. Controlled substance means a drug or other substance identified under schedules I, II, III, IV or V in § 202(c) of the Controlled Substances Act at 21 USC § 812 (c), as amended.
 2. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
 3. The term "dangerous weapon" means 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 three (3) inches in length.
 - iii. The student inflicts serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of any School Division or the Virginia Department of Education. "Serious bodily injury" means any bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
3. The interim alternative educational setting (IAES) and the educational services during any long-term removal or disciplinary change in placement must be determined by an IEP team. The services must be selected so as to enable the student to:
 - a. Continue to participate in the general education curriculum, although in another setting;
 - b. Continue to receive those services and modifications including those described in the student's current IEP that will enable the student to progress toward meeting the IEP goals;
 - c. Receive, as appropriate, a FBA and BIP and modifications that address the behavior violations and are designed to prevent the behavior from recurring; and
 - d. Participate in any Division wide or statewide assessment program. The IEP team should consider whether the student's behavior impedes the child's learning or that of others and consider the use of positive behavioral interventions, strategies and supports to address the behaviors. The IEP should set out goals and services specific to the behavioral needs or conduct a FBA and determine the need for a BIP to address the behavioral needs of the child.
4. Williamsburg-James City County Public Schools personnel may consider unique circumstances on a case-by-case basis when deciding whether to implement a disciplinary change in placement as a result of a violation of the Code of Conduct. School personnel may review the IEP and any BIP or consult with the teacher(s) or parent(s)/guardian(s) in considering unique circumstances.

D. Services during Periods of Disciplinary Removal

1. Williamsburg-James City County Public Schools is not required to provide services during the first ten (10) days of removal in a school year if services are not provided to a student without a disability who has been similarly removed.
2. For any removal after the student has received ten (10) cumulative days of removal, the student must receive educational services in a setting determined by the IEP or school personnel as appropriate.

E. Authority of the Hearing Officer to Order a Removal

1. Williamsburg-James City County Public Schools may request an expedited due process hearing, or successive due

process hearings, under the Virginia Department of Education's due process hearing procedures to effect a change in placement of a student with a disability for not more than forty-five (45) school days if Williamsburg-James City County Public Schools believes that the student's behavior is likely to result in injury to self or others This procedure may be repeated as necessary.

2. The due process hearing officer will follow State Regulations in the conduct of the hearing.
3. The School Board also may seek injunctive relief from the court to order a change in placement.

F. Manifestation Determination Review (MDR)

1. Manifestation determinations are required if Williamsburg-James City County Public Schools is contemplating a removal that constitutes a disciplinary change in placement.
2. The local educational agency, the parent(s)/guardian(s) and relevant members of the IEP team, as determined by the parent(s)/guardian(s) and the local educational agency, (the MDR team) shall convene immediately, but not later than ten (10) school days after the date on which the decision to take the action.
 - a. The MDR team shall determine whether the child's behavior was a manifestation of the child's disability.
 - b. A behavior will be considered a manifestation of the student's disability if:
 - i. The conduct was caused by, or had a direct and substantial relationship to, the child's disability; or
 - ii. The conduct was the direct result of the Williamsburg-James City County Public Schools' failure to implement the student's IEP.
3. If the behavior is a manifestation of the student's disability:
 - a. The student can be removed from the student's educational placement only through the IEP process or through placement in an interim alternative educational setting (IAES) as permitted by subsection or through a court injunction; and
 - b. The IEP team shall conduct or review a FBA and BIP.
 - c. If the manifestation team determines that there was a failure to implement the student's IEP, Williamsburg-James City County Public Schools shall take immediate steps to remedy the failure.
4. If the manifestation team determines that the behavior of the student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to a student without a disability may be applied to the student with a disability in the same manner in which the procedures would be applied to a student without a disability. Education services must be provided and determined through the IEP process.
5. Williamsburg-James City County Public Schools must ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
6. The IEP team determines the extent to which services are necessary to enable the student to appropriately participate in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

G. Parent Appeal

1. If the student's parent(s)/guardian(s) disagree with the determination that the student's behavior was not a manifestation of the student's disability, with any decision regarding placement under these disciplinary procedures or with the pattern determination, the parent(s)/guardian(s) may request an expedited due process hearing.
2. Williamsburg-James City County Public Schools may request an expedited due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

H. Placement During Appeals

1. The child shall remain in the interim alternative educational setting pending the decision of the special education hearing officer; or
2. Until the expiration of the time for the disciplinary period set forth in this section, whichever comes first, unless the parent(s)/guardian(s) and Williamsburg-James City County Public Schools agree otherwise.

I. Protection for Students Not Yet Eligible for Special Education and Related Services

1. A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates any rule or code of conduct of Williamsburg-James City County Public Schools may assert any of the protections provided in this procedure if Williamsburg-James City County Public Schools had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.
2. Williamsburg-James City County Public Schools shall be deemed to have knowledge that a student is a student with a disability if:
 - a. The parent(s)/guardian(s) of the student have expressed concern in writing (or orally if the parent or parents do not know how to write or have a disability that prevents a written statement) to school personnel that the student is in need of special education and related services;
 - b. The parent(s)/guardian(s) of the student have requested an evaluation of the student to be determined eligible for special education and related services; or
 - c. A teacher of the student or school personnel have expressed concern about a pattern of behavior demonstrated by the child directly to the director of special education of Williamsburg-James City County Public Schools or to other supervisory personnel.
3. Williamsburg-James City County Public Schools would not be deemed to have knowledge that a student is a student with a disability if:
 - a. The parent(s)/guardian(s) of the child has not allowed a previous evaluation of the child or has refused services; or
 - b. The child has been evaluated and determined ineligible for special education and related services.
4. If Williamsburg-James City County Public Schools does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures applied to a student without a disability who engages in comparable behaviors.
5. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 - a. Until the evaluation is completed, the student remains in the educational placement determined by the school personnel, which can include suspension or expulsion without educational services.
6. If the student is determined to be a student with a disability, taking into consideration information from the evaluations conducted by Williamsburg-James City County Public Schools and information provided by the parent(s)/guardian(s), Williamsburg-James City County Public Schools shall provide special education and related services but in an alternative placement.

J. Expedited Due Process Hearing

1. Williamsburg-James City County Public Schools may request an expedited due process hearing if there is substantial evidence that maintaining the current placement for a student with a disability is substantially likely to result in injury to the students or others.
2. The parent(s)/guardian(s) may request an expedited due process hearing if the parent(s)/guardian(s) disagree with the manifestation determination, any decision regarding placement under this section or with the pattern determination.

K. Referral to and Action by Law Enforcement and Judicial Authorities

1. Nothing in this chapter prohibits Williamsburg-James City County Public Schools from reporting a crime by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability to the extent such action applies to a student without a disability.
2. In reporting the crime, Williamsburg-James City County Public Schools will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom school personnel report the crime.

Discipline Procedures for Students Receiving Section 504 Services

The following procedures apply to qualified students receiving Section 504 services who are involved in disciplinary incidents.

1. Disciplinary removals for ten (10) school days or less at a time (“short-term removals”) are not considered a significant

change in placement and therefore do not require a Manifestation Determination Review (“MDR”).

2. A series of short-term removals in excess of ten (10) school days may create a pattern of removals that constitutes a significant change in placement, thus, requiring an MDR. To determine whether a pattern of short-term removals exists, the following factors should be considered:
 - a. the length of each suspension;
 - b. the total amount of time that the student is excluded from school;
 - c. the proximity of the suspensions to each other; and,
 - d. the substantial similarity of the student’s current behavior to previous incidents that resulted in the series of removals.
3. Disciplinary removals for more than ten (10) school days at a time (“long-term removals”) are considered a significant change in placement, thus, requiring an MDR.
4. Exceptions:
 - a. A qualified student who currently is engaging in the illegal use of drugs or in the illegal use of alcohol may be removed from his/her educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against nondisabled students.
 - b. In such an instance, no Section 504 evaluation, MDR or impartial hearing is available to the student nor is it required. Educational services will be provided only to the same extent as they are to nondisabled students following such disciplinary action.

When a long-term removal of a student with a Section 504 Plan is being considered or a pattern of short-term removals exists, the student’s Section 504 team (i.e., a group of persons knowledgeable about the student, the evaluation data, and placement options) should convene to evaluate the relationship between the student’s disability and misbehavior in order to determine whether the misbehavior was a manifestation of the student’s disability. Team members should have available current information from a variety of sources that will give them an understanding of the student’s disability, such as attendance and academic records, psychological evaluation data, behavior plans, discipline records, staff observations, parent/guardian information, and annotative records when making this determination.

The Section 504 team shall determine whether or not the student’s behavior was a manifestation of the student’s disability. The behavior will be considered a manifestation of the student’s disability if:

- a. the conduct was caused by or had a direct and substantial relationship to the student’s disability; or
- b. the conduct was the direct result of the School Division’s failure to implement the student’s Section 504 Plan.

The team’s determinations should be documented in writing and provided to the student’s parent(s)/guardian(s) along with a copy of the Section 504 procedural safeguards.

If the team determines that the misconduct was not caused by the disability, the school can impose whatever removal it would impose under the same circumstances if a student without disability was the offender. The school is not required to provide educational services to a Section 504 student during this period of removal, if such services are not provided to students without disability during such removals.

If it is determined that the misconduct was caused by the disability, the student may not be removed and the team should review the student’s Section 504 Plan to determine whether the current educational placement is appropriate and the Section 504 Plan should be revised, if necessary, to address the student’s current needs.

Sexual Harassment Complaint Policy (JBCC)

I. Policy Statement

It is the purpose of this Policy to create and preserve an educational environment and work atmosphere that is free from unlawful harassment on the basis of sex.

The School Board prohibits harassment on the basis of sex on school grounds, school buses, all school-sponsored activities, programs, or events, as well as conduct off school grounds that may impact the school or work environment. It shall be a violation of this Policy to harass a student, school personnel, or third party on the basis of sex. It also is a violation of this Policy for any school personnel to tolerate any such conduct.

Upon the report of harassment based on sex, the Title IX Coordinator or designee shall, pursuant to the procedures set forth under this Policy, promptly: (1) investigate the allegations; (2) if necessary, take appropriate interim measures to stop the alleged conduct; and (3) take appropriate action against any individual who is found to have violated this Policy, and any other action reasonably calculated to end and prevent further discrimination or harassment of students or school personnel.

II. Definitions

For purposes of this Policy, harassment based on sex means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct, either in person or by electronic means, when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's education, or status in a class, program, or activity;
- Submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual; or
- Such conduct has the purpose or effect of: (a) interfering with the individual's educational performance; (b) creating an intimidating, hostile, or offensive learning environment; or (c) interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

Examples of sexual harassment may include, but are not limited to, the following:

- Physical contact of a sexual nature perpetrated without consent (e.g., without clear words or actions that are knowingly, freely, and actively given indicating permission to engage in a mutually agreed upon sexual activity) or where a person is incapable of giving consent due to the use of drugs or alcohol, or due to intellectual or other disabilities.
- Direct or implied threats that submission to sexual advances will be a condition of educational opportunities, promotion, grades, or letters of recommendation.
- Unwelcome sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, texts, printed materials, or objects that do not serve an academic purpose.
- A pattern of conduct, which can be subtle in nature but which has sexual overtones and is intended to create or has the effect of creating discomfort or that humiliates another.
- Remarks speculating about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history that do not serve a medical or educational purpose.

The definition of harassment based on sex as defined in this Policy shall include sexual violence, which is an act perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Sexual harassment can occur regardless of the relationship, position or respective sex of the parties. Same-sex harassment violates this Policy, as does harassment by a student of school staff.

Behavior that is not unlawful or does not rise to the level of illegal harassment or retaliation may nevertheless be unacceptable for the educational environment. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics, such as sexual orientation.

III. Responsibilities of the Title IX Coordinator

The School Board designates the following individual as the Title IX Coordinator responsible for identifying, investigating, preventing, and remedying any violation under this Policy:

Senior Director for Student Services
Williamsburg-James City County Public Schools
P.O. Box 8783, 117 Ironbound Road, Williamsburg, VA 23185
Telephone: (757) 603-6400 E-mail: compliance.officer@wjccschools.org

The Title IX Coordinator shall:

- Receive reports or complaints of harassment;
- Conduct or 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; and
- Ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal educational opportunity, and has the authority to protect the alleged victim and others during the investigation.

The Title IX Coordinator also shall be responsible for keeping all records relevant to the implementation of this Policy, which shall include the name of the individual who reported the allegation, the identification of the alleged victim and perpetrator (if known), documentation of investigative steps taken under this Policy, evidence collected during investigation, any interim measures taken to ensure the protection of the alleged victim, and any disciplinary/remedial actions that were taken upon the conclusion of the investigation.

IV. Complaint Procedure

A. Formal Procedure

1. File Report

Any student who believes he or she has been the victim of harassment based on sex should report the alleged conduct to the Title IX Coordinator or to the appropriate school personnel, such as an administrator, teacher, or guidance counselor. The individual may also file a complaint with law enforcement officials simultaneously with the filing of a complaint under this Policy.

Any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to the Title IX Coordinator or the appropriate school personnel, such as an administrator, teacher, or guidance counselor. Any school personnel with notice that a student may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. The alleged harassment should be reported as soon as possible, and the report generally should be made within 15 school days of the occurrence; however, the Division will accept complaints made after this timeframe.

The complainant should use the form, ***Report of Harassment***, to make complaints of harassment, but oral reports and other written reports will also be accepted. If the complainant makes an oral report, then the school employee who receives the complaint shall document the allegations. The complaint or written record of oral report should be filed with either the building principal or the Title IX Coordinator. If the report is filed with the building principal, then the principal shall immediately forward any report of alleged prohibited harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator or principal must be reported to the Superintendent or designee.

2. Confidentiality

The complaint, and identities of the complainant and respondent, 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.

3. Notice of Receipt of Complaint and Interim Measures

Upon the receipt of a report of alleged prohibited harassment, the Title IX Coordinator shall immediately authorize or undertake an investigation as set forth below. In addition, within **five school days** of the receipt of the complaint, the Title IX Coordinator shall acknowledge its receipt by giving written notice that the complaint has been received to both the complainant and the respondent. Copies of the written notices shall be included in the complainant's and respondent's student or personnel record.

The Title IX Coordinator shall also determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, restrictions on contact between the complainant and respondent, separating the complainant and respondent by changing class and/or lunch schedules, and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the alleged conduct may also constitute child abuse or neglect, then it must be reported to the Department of Social Services.

4. Investigation

The Title IX Coordinator or designee will investigate the complaint in a thorough, impartial, and prompt fashion. The investigation shall be completed as soon as practicable, but generally no later than **20 school days** after receipt of the report by the Title IX Coordinator. If the Title IX Coordinator determines that more than 20 school days will be required

to investigate the complaint, the complainant and the respondent shall be notified of the reason for the extended investigation and of the approximate date by which the investigation will be concluded.

As part of the investigation, the complainant and the respondent will be given the opportunity to meet separately with the Title IX Coordinator or designee to review this Policy and to present any relevant evidence, including the submission of any written statements and/or providing a list of potential witnesses. The Title IX Coordinator or designee will also gather any pertinent evidentiary materials (which may include, but is not limited to: conducting interviews of any other potential witnesses; reviewing law enforcement investigation documents, if applicable; reviewing student and/or personnel files; reviewing any other documents or information relevant to the investigation; and gathering and examining other relevant documents or evidence).

If a student discipline or employee discipline investigation has already been completed or commenced regarding the same situation or set of facts that is the basis of the Title IX investigation, then the Title IX Coordinator may decide that the information gathered through the discipline investigation is sufficient for fact-finding purposes. If the discipline investigation provides the Title IX Coordinator with the necessary factual information, then the Title IX Coordinator may decide no further information gathering is required.

The Title IX Coordinator or designee will then prepare a report detailing the relevant content of the interviews and any other information or documents that were gathered.

5. Standard of Review and Written Report

In determining whether alleged conduct constitutes a violation of this Policy (i.e., whether the conduct meets the definition of “harassment” as defined in Section II above), the Title IX Coordinator or designee 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 determination whether a violation of this Policy exists shall be based on the **preponderance of the evidence standard**—that is, whether it is more likely than not that this Policy has been violated upon the review of the evidence.

The Title IX Coordinator shall issue a written report to the Superintendent 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. The Title IX Coordinator shall be responsible for maintaining all relevant investigative records, including the written report to the Superintendent.

6. Action by Superintendent

Within five school days of receiving the Title IX Coordinator’s report, the Superintendent or designee shall issue a decision regarding whether this Policy was violated. If the Superintendent or designee determines that it is more likely than not that a violation of this Policy occurred, the School Division will take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. This decision must be provided in writing to the complainant and the respondent. Copies of the written decision shall be included in the complainant’s and respondent’s student or personnel record.

7. Range of Sanctions

School Board employees who are found in violation of this Policy are subject to disciplinary action, up to and including termination from employment. Students are subject to disciplinary action, up to and including suspension or expulsion. In any case, educational programming or an alcohol/substance abuse assessment may be required. Sanctions may also include reassignment of work duties or location; reassignment of class meetings; restrictions on contact with complainant; access restrictions to school property and/or events, disciplinary probation, suspension or expulsion. Guests and other persons who are alleged to have violated this Policy are subject to corrective action, which may include removal from school property, ban from school grounds, and/or termination of contractual arrangements.

Regardless of the outcome of the investigation, the School Board will seek to ensure that it eliminates any hostile

environment and prevent the recurrence of a hostile environment. The School Board may choose to institute other remedial actions, such as reviewing protocol, providing or enhancing training to staff and/or students, issuing no-contact directives or access restrictions, or considering requests for accommodations. Accommodation requests are reviewed on a case-by-case basis and may include, but are not limited to, measures such as adjusting schedules, assisting with academic support, seeking extensions for assignments, counseling services, or allowing a student to retake or make up assignments.

8. Appeal

The complainant and the respondent may appeal the Superintendent's finding to the School Board within **five school 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, at its discretion, ask for oral or written argument from the complainant and the respondent, Title IX Coordinator or designee, the Superintendent, and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the complainant and the respondent.

V. Retaliation

Any attempt by a member of the school community to penalize, intimidate, harass, or retaliate in any way against a person who makes a report of or who is otherwise involved in an investigation under this Policy is prohibited. Any person who believes that he or she has been the victim of retaliation for reporting harassment or cooperating in an investigation should immediately contact the Title IX Coordinator. Any person who retaliates against a person in response to a report or cooperation in an investigation will be in violation of this Policy and will be subject to the appropriate disciplinary process.

VI. 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 law enforcement, or seeking redress under state or federal law.

VII. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action and, if applicable, civil or criminal legal proceedings.

School Attendance (JEA)

In accordance with Code of Virginia § 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A. Except as otherwise provided in this article, every parent, guardian or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year, and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the Division Superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations by the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational or parochial school or by a public or private degree-granting institution of higher education. Further in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the Division Superintendent has required to take a special program of prevention, intervention or remediation as provided in subsection C of § 22.1-

253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. School Board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, “bona fide religious training or belief” does not include essentially political, sociological or philosophical views or a merely personal moral code; and
2. On the recommendation of the Juvenile and Domestic Relations District Court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil’s health, as verified by competent medical evidence, or by reason of such pupil’s reasonable apprehension for personal safety when such concern or apprehension in that pupil’s specific case is determined by the court, upon consideration of the recommendation of the principal and Division Superintendent, to be justified.

C. Each local School Board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be 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, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable by the principal.

D. A School Board may excuse from attendance at school:

1. On recommendation of the principal and the Division Superintendent and with the written consent of the parent or guardian, any pupil who the School Board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or
2. On recommendation of the Juvenile and Domestic Relations District Court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local School Boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student’s parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. Career guidance counseling
2. Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the local School Board with attendance requirements that provide for reporting of student attendance by the chief administrator of such GED preparatory program or approved alternative education program to such principal or his designee;
3. Counseling on the economic impact of failing to complete high school; and
4. Procedures for reenrollment to comply with the requirements of subsection A.

A student enrolled with an individual student alternative education plan shall be counted in the average daily membership of the School Division

F. A School Board may, in accordance with the procedures set forth in Article 3 (§22.1- 276.01 et seq.) of Chapter 14 of this title and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth’s laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the School Division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to §22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or § 22.1-277.07 or subsection B of §22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or § 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program of general educational

development, offered in the public schools, the local School Board of the School Division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its School Division.

The Juvenile and Domestic Relations District Court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title § 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II or III controlled substance to attend an alternative education program, including but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of School Boards to expel, suspend or exclude students as provided in § 22.1-277.04, § 22.1-277.05, § 22.1-277.06, § 22.1-277.07, and § 22.1-277.2. As used in this subsection, the term “charged” means that a petition or warrant has been filed or is pending against a pupil.

- H. Within one calendar month of the opening of school, each School Board shall send to the parents or guardian of each student enrolled in the Division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the School Board.
- I. The provisions of this article shall not apply to:
 - 1. Children suffering from contagious or infectious diseases while suffering from such diseases;
 - 2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;
 - 3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
 - 4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
 - 5. Children excused pursuant to subsections B and D.

Further any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate School Board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school, may delay the child’s attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child’s residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

Student Discipline: Reports of Certain Acts to Parents, School Officials and Police (JGD)

By Virginia law, certain illegal or violent incidents on a school bus, school property or at a school-sponsored activity must be reported:

- A. Reports shall be made to the Superintendent and to the principal or his designee on all incidents involving:
 - 1. The assault or assault and battery, without bodily injury;
 - 2. The assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting or wounding, or stalking of any person;
 - 3. Any conduct involving alcohol, marijuana, synthetic cannabinoids, a controlled substance, imitation controlled substance or an anabolic steroid, including the theft or attempted theft of student prescription medications;
 - 4. Any threats against school personnel;
 - 5. Any illegal carrying of firearm onto school property;
 - 6. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or explosives or incendiary devices, or chemical bombs;

7. Any threats or false threats to bomb made against school personnel or involving school property or school buses; or
8. The arrest of any student for an incident occurring on a school bus or school property, or at a school-sponsored activity, including the charge therefore.

The principal or designee shall submit a report to the Superintendent of all such incidents, as well as incidents reported to the principal by law enforcement personnel. The Superintendent shall annually report all such incidents to the Department of Education.

- B. The principal or designee shall notify the parent/guardian of any student involved in an incident required by Subsection A 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.
- C. The principal shall promptly report to law enforcement officials any act enumerated in Item A that may constitute a criminal offense.

Parent Responsibilities and Involvement (JGE)

Each parent/guardian of a student enrolled in a public school has a duty to assist the school in enforcing the rules in the Student Code of Conduct and attendance guidelines in order for education to be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

Opportunities shall be provided for family and community involvement in every school in the School Division.

Each parent/guardian of a student shall sign and return to the school in which the student is enrolled, a statement acknowledging receipt of the School Board's Student Code of Conduct and notice of the requirements of Section § 22.1- 279.3 of the Code of Virginia. By signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the Constitution or laws of the United States or the Commonwealth and a parent shall have the right to express disagreement with the School Division's policies or decisions. Each school shall maintain records of such signed statements.

In accordance with Virginia Code §22.1-279.3:

- A. 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.
- B. A School Board shall provide opportunities for parental and community involvement in every school in the School Division.
- C. Within one calendar month of the opening of school, each School Board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the School Board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the rights to express disagreement with a school's or a School Division's policies or decisions.
- D. The school principal may request the student's parent or parents, if both parents have legal physical custody of such student, 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.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by Virginia Code §22.1-279.6, 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 such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) 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.

- F. 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 students.
- G. Upon failure of a parent to comply with the provisions of this section, the School Board may, by petition to the Juvenile and Domestic Relations Court proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:
1. If the court finds that the parent has willfully and unreasonable failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, 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
 2. If the court finds that a parent has willfully and unreasonable failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.
- H. The civil penalties established pursuant to this section shall be enforceable in the Juvenile and Domestic Relations Court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city or town shall enforce the collection of such civil penalties.
- I. All references in this section to the Juvenile and Domestic Relations Court shall be also deemed to mean any successor in interest of such court.

School Uniforms and Dress Code (JFCA)

The responsibility for the appearance of the students rests with the parents and the students themselves. They have the right to determine students' dress, providing the attire complies with the health code of the Commonwealth, and does not interfere with the educational process or pose a threat to the safety of the student or others. Student dress will reflect positively on the students, school and learning environment, and should ultimately reflect standards of dress in the workplace at large.

Dress that is disruptive, distracting or revealing is not acceptable. The school administration reserves the right to make decisions concerning questionable and inappropriate school attire. If contacted by the school administration, parents may be requested to come to the school to exchange unacceptable clothing.

Students shall comply with individual dress codes established by their school. Individual schools in Williamsburg-James City County may establish requirements for students to wear uniforms while in attendance during the regular school day.

Gang Activity or Association (JFCE)

The School Board acknowledges the existence of gangs in the community and the threat they pose to the educational environment. Therefore, students shall not engage in gang activity on school grounds, on school buses or on any school-sponsored activity. Gang activity is defined as:

1. Wearing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign, or other item that is evidence of membership or affiliation in any gang;
2. 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 a gang;
3. 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 for 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.
4. 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.

Alcohol and Drugs (JFCF)

The unlawful manufacture, distribution, dispensation, possession, use, or facilitating the use of, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, synthetic cannabinoids or other controlled substance as defined § 18.2-247 of the Code of Virginia and as defined in Schedules I through V §202 of the Controlled Substance Act at 21 U.S.C. §812, imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, or going to and from school is prohibited.

“Drug paraphernalia” shall mean those items described in Section § 18.2-265.1 of the Code of Virginia.

“Controlled substance” shall mean those substances described in the Drug Control Act of Chapter 34 of Title 54.1 of the Code of Virginia and the Controlled Substance Act in 21 USC § 812.

“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 a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid or marijuana.

In accordance with § 22.1-277.08 of the Code of Virginia, a student who has brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity must be recommended for expulsion by the principal, unless the principal determines that, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. If the principal recommends expulsion, the Superintendent or his designee is authorized to conduct a preliminary review of such cases to determine whether disciplinary action other than expulsion is appropriate. In any such case in which a recommendation of expulsion is before the School Board, the School Board may determine that, under the facts of the particular case, special circumstances exist and another disciplinary action is appropriate. If other disciplinary action is taken, the procedures set forth in Policy JFC (student discipline Policy) shall be followed.

The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student’s parent consents.

Except as permitted under Policy JHCD, Administering Medication to Students, students are prohibited from possessing any medication or prescription drugs, even if recommended or prescribed for the student’s use. “Medication” means any drug or other substance used in treating diseases, healing or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, caffeine pills, nutritional and herbal supplements, and the like.

Student possession of over-the-counter drugs and prescribed medication may result in the same interventions and consequences as controlled substances.

Voluntary Surrender of Drugs or Alcohol

Students who voluntarily surrender a controlled substance to a school official may be excluded from the penalty for violation of this Policy. Turning in a controlled substance to avoid apprehension is not voluntary surrender. Any violation of law will be reported to appropriate authorities. All instances of such voluntary surrender shall be reported in writing to the Superintendent

Weapons (JFCJ)

Possession or use of a weapon, whether operable or inoperable, including, but not limited to, knives, firearms, explosives and flammables, or any item that can be or is used as a weapon or to start a fire, in a school building, on school property, at a school-sponsored activity, or going to or from school, is prohibited. Students who violate this prohibition will be subject to disciplinary action up to and including expulsion. A violation will also be reported to law enforcement officials.

In accordance with state and federal law, a student who brings or possesses a firearm as defined in section 22.1- 277.07(E) of the

Code of Virginia or other weapon or device prohibited by section 22.1- 277.07(A) of the Code of Virginia onto school property or to a school-sponsored activity must be expelled for a minimum of 365 days. The School Board may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the Board from permanently expelling such student. In addition, the Superintendent or his designee is authorized to conduct a preliminary review of the matter and determine whether disciplinary action other than expulsion is appropriate.

While the possession or use of any weapon is prohibited and may result in disciplinary action up to and including expulsion, the following weapons on school property or at school-sponsored events require an automatic recommendation of expulsion:

1. Any firearm. "Firearm" means any weapon, including a starter gun, that will, or is designed or may be readily converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.
2. Any firearm muffler or firearm silencer.
3. Any pneumatic gun. "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.
4. Any destructive device. "Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, 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 § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

Teacher Removal of Students from Class (JGCA)

Teachers have the initial authority to remove a student from a classroom for disruptive behavior. The removal of the student from a classroom shall not be used as a routine classroom management strategy. Disruptive behavior is defined as a violation of the School Board policies governing student conduct that interrupts or obstructs the learning environment. For a list of the areas of offenses and their definitions, see School Board Policy JFC, Areas of Offenses and their Definitions.

The principal is responsible for ensuring that written notice of the student's behavior is given to the parent. The parent will be given the opportunity to meet with the teacher and school administrator to discuss the student's behavior and the possible consequences if such behavior does not cease. The principal shall, unless a student who has been removed from class is suspended or expelled from school attendance, ensure that such student continues to receive an education.

Any teacher whose evaluation indicates deficiencies in the management of student conduct may be required to attend professional development activities designed to improve classroom management and disciplinary skills.

Applications of this Policy to students with disabilities shall be in accordance with state and federal law and regulations.

This Policy shall not be construed to limit or restrict other School Board policies and regulations for maintaining order in the classroom.

Student Automobile Use (JHFD)

Students are permitted to park on school premises as a matter of privilege, not of right. A student must apply for permission to park a vehicle in a student lot. Students issued a parking permit may park their vehicles on school property and only in areas designated for student parking. Students may not access their vehicles for reasons of personal use during the school day without written permission from an administrator.

The school retains authority to conduct routine patrols of student parking lots and inspections of the exterior of student

automobiles on school property. Vehicles and their contents are subject to search and seizure guidelines while parked on school property or at school events. The interiors of student vehicles may be visually inspected at any time and physically inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice and without student consent.

Only a limited number of student parking permits are available to students. Important restrictions are included in the parking application. Priority will be given to students in programs with modified schedules, such as CTE, and marketing programs, along with limited mentorships and concurrent college classes. The standard rules of proper use of an automobile will apply at all times. Students who endanger others by improper use of their vehicles will be denied parking privileges and will be subject to disciplinary action.

Search and Seizure (JIHA)

School administrators have the right to search any student's person and/or personal effects (e.g., purse, book bag, etc.) when there is a reasonable suspicion that the student possesses an item which violates law, school policies and regulations, or which may be harmful to the school or its students.

Student desks and lockers are the property of the school, and school officials reserve the right to search desks and lockers. A general search of lockers or desks may be conducted to repossess school property or to locate contraband. 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 contraband be found during the search, law enforcement officials will be notified.

Equal Educational Opportunities/Nondiscrimination/Harassment (JB)

A. Policy Statement

The Williamsburg-James City County School Board is committed to maintaining an educational environment that is free from discrimination and harassment and to the provision of equity in its educational programs, services and activities for all students. The School Board prohibits discrimination and harassment against any student enrolled in Williamsburg-James City County Public Schools on the basis of sex, gender, race, color, national origin, disability, religion, age, genetic information or on any other basis prohibited by law. Further, it is a violation of this Policy for any school personnel to tolerate such discrimination or harassment.

No student, on the basis of sex or gender, shall be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, or advantage or be denied equal access to education and extracurricular programs and activities.

The School Board shall:

- provide facilities, programs, and activities that are accessible, usable, and available to qualified disabled persons;
- provide a free, appropriate education, including non-academic and extracurricular services to qualified disabled persons;
- not exclude qualified disabled persons, solely on the basis of their disabilities, from any preschool, daycare, adult education, or career and technical education programs; and
- not discriminate against qualified disabled persons in the provision of health, welfare or social services.

Students should feel free to report discrimination or harassment without fear of retaliation. Any attempt of retaliation against the student shall be addressed by appropriate corrective action up to and including expulsion for involved students and dismissal for involved employees.

For the purpose of this Policy, "school personnel" includes school employees, agents, volunteers, contractors or other persons subject to the supervision or control of the School Division.

The School Division shall: (1) promptly investigate all complaints, written or verbal, of discrimination and harassment; (2) promptly take appropriate action to stop any discrimination or harassment; and, (3) take appropriate action against any student or school personnel who violates this Policy, including action reasonably calculated to end and prevent further harassment of students.

This Policy shall not be interpreted to infringe upon the First Amendment rights of students and is not intended to prohibit

protected expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

B. Discrimination and Harassment Defined

1. Discrimination occurs when a person is not given fair consideration, is not given the same opportunity as others similarly situated, or is subjected to harassment on the basis of race, color, national origin, sex, pregnancy, religion, disability or age.
2. Harassment means conduct that has the purpose or effect of unreasonably interfering with a student's academic or professional performance or creating a hostile academic environment. These complaint procedures apply to harassment of students carried out by employees, students, or third parties.

Harassment may consist of physical or verbal conduct, which may include use of cell phones or the internet, when the conduct:

- creates an intimidating, hostile or offensive educational environment;
- substantially or unreasonably interferes with an individual's education; or
- otherwise is sufficiently serious to limit a student's ability to participate in or benefit from the educational program.

Examples of conduct which may constitute harassment if it meets the immediately preceding definition may include, but are not limited to:

- graffiti containing racially offensive language;
 - name calling, jokes or rumors;
 - physical/hostile acts of aggression against a person or his property; or
 - written or graphic material which is posted or circulated and which intimidates or threatens individuals on a basis prohibited by law.
3. Harassment includes sexual harassment, which itself is a form of unlawful discrimination. Any complaint that involves the allegations of discrimination or harassment based on sex, as well as sexual violence, must be investigated under the Sexual Harassment Policy. In addition, the Section 504 Grievance Procedure may be used by a complainant who alleges discrimination or harassment on the basis of a student's disability.

C. Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of illegal discrimination or harassment may nevertheless be unacceptable for the educational environment. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics, including, but not limited to, socioeconomic level or sexual orientation.

D. Complaint Procedure

1. File Report

Any student who believes he or she has been the victim of prohibited discrimination should report the alleged discrimination as soon as possible to the compliance officer designated below or to any other school personnel. The alleged discrimination should be reported as soon as possible, and the report generally should be made within 15 school days of the occurrence. Further, any student or school employee who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to the compliance officer designated below or to any school personnel. Any complaint that involves the compliance officer shall be reported to the Superintendent.

The complaint, and identity of the complainant and of the person or persons allegedly responsible for the discrimination, will not be disclosed except as required by law or Policy, as necessary to fully investigate the complaint, or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the Division's ability to fully respond to the complaint.

2. Investigation

Upon receipt of a report of alleged discrimination or harassment, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the Division. The investigation shall be completed as soon as practicable, which should generally be no later than **20 school 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 discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the compliance officer determines that more than 20 school days will be required to investigate the complaint, the compliance officer shall notify the complainant and the person or persons allegedly responsible for the discrimination of the reason for the extended investigation and of the approximate date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The compliance officer shall take necessary interim measures to protect the complainant and others pending the completion of the investigation.

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 by a complete and thorough investigation.

The compliance officer shall issue a written report to the Superintendent 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 discrimination conducted under this Policy or by an appropriate state or federal agency.

3. Action by Superintendent

Within **five school days** of receiving the compliance officer's report, the Superintendent or the Superintendent's designee shall issue a decision regarding (i) whether this Policy was violated; and (ii) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the Superintendent determines that prohibited discrimination occurred, the 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 termination.

4. Appeal

If the Superintendent or the Superintendent's designee determines that no prohibited discrimination or harassment occurred, the student who was allegedly subjected to discrimination or harassment may appeal this finding to the School Board within five (5) school days of receiving the decision. The 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.

5. Compliance Officer

The School Board has designated the following compliance officer:

Senior Director for Student Services
Title IX/Section 504 Compliance Coordinator
Williamsburg-James City County Public Schools
P.O. Box 8783, 117 Ironbound Road, Williamsburg, VA 23185
Telephone: (757) 603-6400 Email: compliance.officer@wjccschools.org

The Compliance Officer shall:

- a. receive reports or complaints of discrimination or harassment;
- b. oversee the investigation;
- c. assess the training needs of the Division in connection with this Policy;
- d. arrange necessary training to achieve compliance with this Policy; and
- e. ensure that any investigation is conducted by an impartial investigator who is trained in the requirements of equal educational opportunity, and has the authority to protect the alleged victim and others during the investigation.

E. Retaliation

Retaliation against students or school personnel who report discrimination or harassment or who participate in the related proceedings is prohibited. The Division shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination/harassment or participates in related proceedings.

F. 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 discrimination or harassment, including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

G. Prevention and Notice of Policy

Training to prevent discrimination or harassment prohibited under this Policy should be included in employee and student orientations as well as employee in-service training.

This Policy shall be (i) displayed in prominent areas of each Division building in a location accessible to students, parents and school personnel; (ii) included in student handbooks; and (iii) sent to parents of all students within 30 calendar days of the start of school.

All school employees, students and their parent(s)/guardian(s) shall be notified annually of the titles and contact information of the compliance officers.

H. False Charges

Students or school personnel who make false charges of discrimination shall be subject to disciplinary action.

Student Conduct on School Buses (JFCC)

Students are required to conduct themselves in a manner consistent with established standards for classroom behavior while aboard school buses.

The school building administrator may suspend or revoke the riding privileges of students and/or take other disciplinary actions for students who have 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 revoked, the student's parents are responsible for providing transportation to and from school safely.

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

Williamsburg-James City County Public Schools

Code of Conduct Acknowledgment

2017-18

Name _____

School _____

Grade _____

Teacher _____

Student Acknowledgment

This is to acknowledge that I have received a copy of the Code of Conduct. I have reviewed the contents and I had an opportunity to ask questions about anything that I did not understand. I have read and clearly understand the Areas of Offenses as well as the possible consequences.

In signing this document, I agree to abide by the Code of Conduct and to seek peaceful resolution to any conflict that affects me or my school. I further acknowledge that I have taken this handbook home to review with my parent(s)/guardian(s).

Student's Signature _____

Date _____

Parent/Guardian Acknowledgment

I have read the Williamsburg-James City County Public Schools Code of Conduct and agree to discuss it periodically with my child. I realize that I may contact the school for assistance in understanding any rule, regulation or consequence.

Parent/Guardian Signature _____

Date _____

A copy of the signed documentation shall be retained in the student's records.

School Directory

Elementary Schools (PK–5)

School Name	Main Office	Address	City/County	Mascot
Clara Byrd Baker	(757) 221-0949	3131 Ironbound Rd., Williamsburg, VA 23185	James City County	Bears
D.J. Montague	(757) 258-3022	5380 Centerville Rd., Williamsburg, VA 23188	James City County	Mustangs
J. Blaine Blayton	(757) 565-9300	800 Jolly Pond Rd., Williamsburg, VA 23188	James City County	Bees
James River	(757) 887-1768	8901 Pocahontas Trail, Williamsburg, VA 23185	James City County	Dolphins
Matoaka	(757) 564-4001	4001 Brick Bat Rd., Williamsburg, VA 23188	James City County	Cardinals
Norge	(757) 564-3372	7311 Richmond Rd., Williamsburg, VA 23188	James City County	Roadrunners
Laurel Lane	(757) 229-7597	112 Laurel Ln., Williamsburg, VA 23185	James City County	Penguins
Stonehouse	(757) 566-4300	3651 Rochambeau Dr., Williamsburg, VA 23188	James City County	Sea Stars
Matthew Whaley	(757) 229-1931	301 Scotland St., Williamsburg, VA 23185	City of Williamsburg	Patriots

Middle Schools (6–8)

School Name	Main Office	Address	City/County	Mascot
Berkeley	(757) 229-8051	1118 Ironbound Rd., Williamsburg, VA 23188	City of Williamsburg	Bulldogs
Lois S. Hornsby	(757) 565-9400	850 Jolly Pond Rd., Williamsburg, VA 23188	James City County	Hawks
Toano	(757) 566-4251	7817 Richmond Rd., Toano, VA 23168	James City County	Tigers

High Schools (9–12)

School Name	Main Office	Address	City/County	Mascot
Jamestown	(757) 259-3600	3751 John Tyler Hwy., Williamsburg, VA 23185	James City County	Eagles
Lafayette	(757) 565-0373	4460 Longhill Rd., Williamsburg, VA 23188	James City County	Rams
Warhill	(757) 565-4615	4615 Opportunity Way, Williamsburg, VA 23188	James City County	Lions

Williamsburg-James City County School Board

Kyra Cook, Chair City of Williamsburg
Holly A. Taylor, M.S.Ed., Vice-Chair Stonehouse District
Julie Y. Hummel, M.Ed., Parliamentarian City of Williamsburg
James W. Beers, Ph.D. Roberts District
Jim Kelly, PE Jamestown District
Lisa L. Ownby, M.S.W. Powhatan District
Sandra S. Young, M.S.Ed. Berkeley District

Olwen E. Herron, Ed.D. Superintendent
Jeffrey Carroll, Ph.D. Secondary Assistant Superintendent
Scott Thorpe Elementary Assistant Superintendent
Corey Murphy, Ph.D. Chief of Staff
Christina Berta Chief Financial Officer

Williamsburg-James City County School Board & Central Office at James Blair

Physical Address:

117 Ironbound Road
Williamsburg, VA 23185
(757) 603-6400

Mailing Address:

P.O. Box 8783
Williamsburg, VA 23187-8783

Operations:

597 Jolly Pond Road
Williamsburg, VA 23188