Elevate: Beyond Excellence, the strategic plan for WJCC Schools, guides the work of the school division to advance learning opportunities for children and support student success.

**GOAL 1**
**Academic Achievement/College & Career Readiness**
Transform teaching and learning to prepare students for success in post-secondary education and careers.

**GOAL 2**
**Educational Equity**
Foster a learning environment that respects the diversity of students and provides targeted, equitable opportunities for success.

**GOAL 3**
**Communication & Engagement**
Cultivate a culture of open and effective communication to inform and engage all stakeholders.

**GOAL 4**
**Safety & Security**
Ensure a fully integrated approach to safety and security that encompasses both the physical environment and the social/emotional needs of students.

**GOAL 5**
**Human Capital & Positive Culture**
Recruit high-quality staff and retain the division’s exemplary workforce by creating an environment where transparency and trust are the norm.

**GOAL 6**
**Organizational Efficiency & Effectiveness**
Optimize division effectiveness and efficiency by establishing and strengthening processes and systems.

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.
Dear Parents and Students:

Welcome to the 2023-24 school year! Our teachers, principals, and staff are ready and eager to support our students’ academic and personal growth.

We are committed to making sure our schools are safe respectful and welcoming places where every student can succeed. We know that students thrive when they feel valued, supported, and encouraged. To that end, WJCC Schools is committed to providing a high-quality education and equitable access to resources for all students in a caring and inclusive environment.

Students also play a vital role in their own academic and personal success. The WJCC Schools Student Code of Conduct serves as the foundation of this effort by outlining students’ rights, responsibilities, and expectations for behavior. We encourage families to read and review the Student Code of Conduct with your child(ren) and refer to it as needed throughout the school year.

At the start of the school year, students and parents/guardians must electronically sign a statement acknowledging that they received this handbook and understand the expectations for student behavior. Please also use this as an opportunity to remind your child about the importance of being socially responsible, a good digital citizen, and taking care of their school division-issued laptop or tablet.

On behalf of our teachers, principals, support staff, and school board, we want to thank you for partnering with us to support student learning. We look forward to a positive and productive year.

Sincerely,

Greg Dowell, Jr.    Olwen E. Herron
Chair of the School Board   Superintendent

WJCC School Board
D. Greg Dowell, Jr., M.P.P.
Chair
Stonehouse District
Sarah Ortego
Vice Chair
Jamestown District
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Parliamentarian
Roberts District
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Powhatan District
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Olwen E. Herron, Ed.D.
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.......................................................... Required to be reported to law enforcement per the Virginia Department of Education.

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

The Williamsburg-James City County School Board is required by law to provide parents notice of § 16.1-241.2 and § 22.1-279.3 of the Code of Virginia, which address parental responsibility and involvement requirements to support an atmosphere of individual rights, free of disruption and threat to persons or property.

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

- Support the efforts of the school community
- Review the Student Code of Conduct with your child to ensure understanding of the expectations and support implementation of the Student Code of Conduct
- Promote positive behavior and decision making by 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
- Electronically sign a statement acknowledging receipt of this handbook (located in ParentVUE and StudentVUE)
Attendance Matters

Regular school attendance matters. Research indicates that students who are chronically absent from school are less likely to read on grade level, more likely to perform lower on standardized tests, and are at a higher risk of dropping out of school.

Absence

While each student is expected to be at school and ready to learn each school day, the school division recognizes that there are instances where students may need to be absent from school. Absences which include circumstances beyond the control of students, parent/guardians, and the school may be grounds for an absence to be excused. Legitimate reasons for excused absences include: illness*, quarantine, natural disaster, religious holiday, death in immediate family, legal or medical appointments, and school sponsored/related activities. Any absence which keeps a student away from school and is not excused by reasons noted above, will be considered unexcused.

Communication

Maintaining communication with the school regarding attendance is important. Students who are absent from school, even for legitimate reasons listed above, may be marked as unexcused without proper notification of the reason for the absence. Notification must be made in writing (note, email, or other required documentation) for an absence to be excused.

Likewise, each school with Williamsburg-James City County School District will be responsible for making parent notifications whenever a student is absent. Notifications will include:

- An automated call home for every absence
- Phone calls by designated staff when appropriate
- A letter home following the 3rd unexcused absence
- A letter home and required parent conference following the 5th and 7th unexcused absences
- A letter home following the 8th absence, excused or unexcused

Attendance Improvement Plan

Students who accumulate excessive absences may be required to participate in an Attendance Improvement Plan to determine the cause(s) of absenteeism and develop measures to improve the student's attendance. An Attendance Improvement Plan will be jointly created with input from the school, parent or guardian, student (when appropriate), and other relevant stakeholders as necessary. An Attendance Improvement Plan will be required for any student who accumulates 5 or more unexcused absences or 10 or more total absences, excused or unexcused, within a single school year.

Chronically Absent

A student is considered to be chronically absent when absent from school, whether excused or unexcused, for more than 10% of the days which enrolled. As chronic absenteeism negatively impacts student progress as well as school accreditation, students who exceed thresholds for chronic absenteeism may be subject to additional monitoring including development of an Attendance Improvement Plan or may be denied course credit (high school) or grade level promotion (elementary and middle school).
Multi-Tiered Systems of Support (MTSS)

WJCC schools approach both behavior and instruction from a proactive standpoint under the framework of MTSS, which is provided by the Virginia Tiered Systems of Supports (VTSS). It is a data-driven decision-making framework for establishing the academic, behavioral, and social-emotional supports needed for a school to be an effective learning environment for all students.

What are “restorative practices in WJCC Schools?”

Restorative practices are approaches that seek to proactively build community to prevent problems from arising and use dialogue, not just punishment, when problems do occur. Restorative practices are helpful for creating a respectful classroom, developing rapport with students, managing conflicts, and establishing routines and expectations of positive student behavior…” from the Managing Your Classroom with Restorative Practices Quick Reference Guide

How does “restorative practices” fit into our strategic plan Elevate: Beyond Excellence?

Implementing restorative practices in our schools is an opportunity to help with strategies and goals set out in our strategic plan. With these efforts we can support: Goal 1 Strategy 9: Promote positive relationships and provide a student-centered environment to meet students at their level and challenge them to reach their highest potential. Goal 2 Strategy 5: Develop and implement expectations for a positive, relationship-focused classroom learning environment where student differences are appreciated and celebrated. Goal 4 Strategy 5: Build a positive and inclusive school culture that inspires all students to participate fully in their school experience.

Utilizing these practices will help to increase attendance, reduce suspensions, and enhance learning. In doing so, we believe these practices will enhance staff satisfaction.

What will our beginning phase look like within WJCC Public Schools?

Restorative Circles - Circles are regular meetings of a small group of students with an adult facilitator (administrator, teacher, support staff member, coach, etc.). The meetings use intentional protocols designed to create a safe and nurturing space for all students. Topics for the meetings can vary: from simply checking in on how students are feeling that particular day to exploring a particular topic (e.g., an incident that recently occurred at the school). In short, Restorative Circles are intended to ensure that all students have a core group of peers and at least one adult at the school with whom they have open, positive, and affirming relationships. Mindfulness practices are often incorporated into Restorative Circles to help students be more present and open during the conversations.

Restorative Conferencing/ Re-entry Meetings - Formal meetings intended to prevent harm, enable people to resolve differences, and build social-emotional capacity through empathy. “Restorative Conferences are formal responses to wrongdoing where all those involved and affected by an incident come together with a trained facilitator to explore what happened, who was affected and what needs to be done to make things right” – The Restorative Practices Handbook.
How Can I Tell If It Is Bullying?

**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 substantial disruption to the school environment or violate the rights of students, staff, or teachers.

**Bullying** is different from conflict.
- Conflict is a disagreement or argument in which both sides express their views
- Bullying is negative behavior directed by someone exerting power and control over another person

**Conflict vs. Rude/Mean Actions vs. Bullying**

Flow chart designed to help identify the behavior

<table>
<thead>
<tr>
<th>CONFLICT</th>
<th>RUDE/MEAN ACTIONS</th>
<th>BULLYING</th>
</tr>
</thead>
<tbody>
<tr>
<td>A situation caused by differences of opinion, inability to find common ground; lack of communication, ideological clashes.</td>
<td>Student engages in continuous verbal or non-verbal displays of rudeness or discourtesy such as inappropriate gesturing, arguing, yelling, etc.</td>
<td>Student engages in aggressive and unwanted behavior (physical, psychological, or emotional) that is intended to harm, intimidate or humiliate the victim. It 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.</td>
</tr>
<tr>
<td>Infrequent Behavior</td>
<td>Occasional Behavior</td>
<td>REPEATED Behavior</td>
</tr>
<tr>
<td>Not planned; in the heat of the moment</td>
<td>Spontaneous</td>
<td>Planned; intentional</td>
</tr>
<tr>
<td>All parties are upset</td>
<td>Can cause hurt feelings; upsetting</td>
<td>The target of the bullying is upset or scared and the bully feels in control.</td>
</tr>
<tr>
<td>All parties willing to resolve conflict</td>
<td>Student accepts responsibility; behavior often regretted</td>
<td>The bully is trying to gain control over the target</td>
</tr>
<tr>
<td>All parties will accept responsibility</td>
<td>The offender accepts responsibility</td>
<td>The bully blames the target or denies action</td>
</tr>
<tr>
<td>An effort is made by all parties to solve the problem</td>
<td>An effort is made to apologize</td>
<td>The bully does not stop behavior and is unwilling to solve the problem</td>
</tr>
<tr>
<td>Can be resolved through mediation</td>
<td>Student may benefit from social skill building and/or mediation may be appropriate</td>
<td>NOT resolved through mediation; could be resolved through restorative approaches</td>
</tr>
</tbody>
</table>

**Ways to Report Bullying**
- Online Bullying Report Form at [https://wjccschools.org/bullying-report](https://wjccschools.org/bullying-report)
- Anonymous Reporting at individual schools
- In person to any staff member or trusted adult

In all cases of bullying, the Parent or guardian of the student displaying the behavior and the target of the behavior will be notified of the alleged incident as quickly as possible, preferably the same day. Notification of finding will be provided at the conclusion of the investigation.
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 Student 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 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 behavior 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.
• Exit the bus safely and quietly.
• 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.
• When there are health, safety, and/or route concerns, bus changes may cease or be limited until such concerns improve.

Student Conduct on School Buses (JFCC Policy)

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.

QUESTIONS?

Transportation: (757) 565-0808 (option 2)
http://www.infofinder.com/if/?cid=WCS5PS4DTKVX
Student Code of Conduct Leveled Response and Interventions to Behavior

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**

Level 1 responses are intended to prevent further behavioral issues while keeping the student in school.

- Parent notification via phone call/ text/letter/to discuss concerns
- Warning
- Lunch or after school detention
- Behavior reflection assignment/form
- Behavior contract/progress chart/checklist
- Community service
- Loss of classroom, extracurricular/school activities, or privileges
- Confiscation of student items including portable communication or electronic devices
- Reteach or model desired behavior
- Alternative instructional setting
- Education/remediation
- Counselor/support staff referral/intervention
- Conference with student, teacher and/or parent
- Restitution
- Peer mediation or conflict resolution
- Seat change
- Recognize/reward appropriate behavior
- In-class time-out/break
- Reinforcement of appropriate behaviors
- Positive directives that state expectations
- Adjust physical proximity
- Mentor
- Restorative practices
- Referral to outside support agency

**LEVEL 2**

Administrative responses and interventions at this level are designed prevent further behavior issues and keep the student in school. Depending upon the severity of the behavior, short-term removal of the student from the classroom may be appropriate.

- In-school suspension
- Schedule/class change
- Tiered interventions
- Loss of privileges, including bus, school, extra-curricular, etc.
- Community service
- Confiscation of items
- Peer mediation or conflict resolution
- Behavior contract (developed with input of the student, parent/guardian, and school officials)
- Parent notification via phone call/ text/letter/to discuss concern
- Parent/teacher and/or administrator conference
- Counselor/support staff referral/intervention
- Restitution
- Behavior specialist referral
- Administrator/teacher/counselor/student conference (includes re-teaching or expected behavior)
- Collect and review data progress
- Behavior progress chart/checklist
- Referral to outside support agency
- Check-in and check-out system

**LEVEL 3**

Dependent upon the severity, chronic nature of the behavior and/or safety concerns, Level 3 behaviors may result in the student’s short-term removal from school.

- Out of-school-suspension (PK-3 1-3 days), 4-12 (1-10 days)
- Recommend schedule/class change
- Behavior specialist referral
- Community service/restitution
- Referral to outside support agency
- Administrator/teacher/parent/guardian conference
LEVEL 4

Some Level 4 behaviors require a report to the superintendent or superintendent's designee as outlined in the Code of Virginia § 22.1-279.3:1. Local school board policy may require additional reporting. A referral to the superintendent or superintendent’s designee does not automatically result in a long-term suspension, change of placement or expulsion. After a review of the incident in context, the superintendent or designee may return students to the comprehensive setting with additional supports and/or responses to be implemented.

- Ten day out-of-school suspension with an automatic referral for a disciplinary hearing with a recommendation for long-term suspension
- Long term suspension (11-45 days) as determined by local policy or by code (11 to 45 days as defined in § 22.1-276.01)
- Restitution
- Behavior Specialist referral
- Referral to alternative learning school or program
- Referral to community resources
- Referral to law enforcement as required
- Long-term revocation of privileges
- Referral to alternative learning school or program
- Referral to community resources
- Referral to law enforcement as required
- Long-term revocation of privileges

*PK-3: unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or the superintendent’s designee finds that aggravating circumstances exist, as defined by the Department of Education.

LEVEL 5

Level 5 responses are reserved for those behaviors that require a referral to the superintendent or designee. For preschool to grade three students, any suspension beyond three days must be referred to the superintendent or designee. A referral to the superintendent or designee may not automatically result in an expulsion, alternative placement, school reassignment, or long-term suspension.

- Ten day out-of-school suspension with an automatic referral for a disciplinary hearing with a recommendation for expulsion
- Alternative placement
- Referral to community resources (e.g. TDT, FAPT)
- Referral to law enforcement as required
- Long-term suspension (11-45 days) as determined by local policy or by code (11 to 45 days as defined in § 22.1-276.01)
- Restitution
- Behavior Specialist referral
- Referral to alternative learning school or program
- Referral to community resources
- Referral to law enforcement as required
- Long-term revocation of privileges
- Parent-Administrator-Teacher-Student behavior contract

*PK-3: unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or the superintendent’s designee finds that aggravating circumstances exist, as defined by the Department of Education.

**Aggravating Circumstances:** For the purposes of §22.1-277 and §22.1-277.05 of the Code of Virginia, “aggravating circumstances” shall mean:

i. That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
ii. That a student's presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
iii. That a student engaged in a serious offense that is:
   a. persistent (repeated similar behaviors are documented on the student's disciplinary record), and
   b. unresponsive to targeted interventions as documented through an established intervention process.
### Elementary Schools Leveled Responses To Student Behaviors

#### Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students

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<tr>
<th>SBAR</th>
<th>Level 1</th>
<th>Level 2</th>
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#### Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures

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<th>SBAR</th>
<th>Level 1</th>
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<td>BSO16</td>
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</tr>
</tbody>
</table>

#### Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>RB1</td>
<td></td>
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<td>RB2</td>
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<td>RB3</td>
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<td>RB4</td>
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<td>RB5</td>
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</tbody>
</table>
### Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Description</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>RB6</td>
<td>Speaking to another in an uncivil, discourteous manner</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>RB7</td>
<td>Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight</td>
<td>X</td>
<td>X</td>
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<tr>
<td>RB8</td>
<td>Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>RB9</td>
<td>Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RB10</td>
<td>Failure to respond to questions or requests by staff</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RB11</td>
<td>Unwanted or inappropriate physical contact</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
</tbody>
</table>

### Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Description</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSC1</td>
<td>Alcohol: Possessing or using alcohol</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BSC2</td>
<td>Alcohol: Distributing alcohol to other students</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>BSC3</td>
<td>Drugs: Possessing drug paraphernalia</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>BSC4</td>
<td>Drugs: Violating school board non-prescription (over the counter) medication policy</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC5</td>
<td>Tobacco: Possessing/Using tobacco products, electronic cigarettes, vaping imitation tobacco products</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>BSC6</td>
<td>Bullying Behavior without physical injury that continues after intervention (See Link: Model Policy to Addressing Bullying in Virginia’s Public Schools) Bullying that leads to physical injury should be classified as Assault and Battery.</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC7</td>
<td>Cyberbullying that continues after intervention (See Link: Model Policy to Addressing Bullying in Virginia’s Public Schools) Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences.</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC8</td>
<td>Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC9</td>
<td>Bus: Distracting the bus driver</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC10</td>
<td>Bus: Endangering the safety of others on the bus</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC11</td>
<td>Fire alarm: Falsely activating a or other disaster alarm</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>BSC12</td>
<td>Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC13</td>
<td>Engaging in reckless behavior that creates a risk of injury to self or others</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC14</td>
<td>Fighting that results in no injury as determined by the school administration</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC15</td>
<td>Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC16</td>
<td>Throwing an object that has the potential to cause a disturbance, injury, or property damage</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC17</td>
<td>Shoving, pushing, striking a student with no visible injury</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC18</td>
<td>Exposing body parts, lewd or indecent public behavior</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>SBAR</td>
<td>Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school</td>
<td>Level</td>
<td>Level</td>
<td>Level</td>
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<td>Notify Law Enforcement</td>
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<tr>
<td>BSC19</td>
<td>Physical contact of a sexual nature – patting body parts, pinching, tugging clothing.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC21</td>
<td>Stalking as described in the Code of Virginia section §18.2-60.3</td>
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<tr>
<td>BSC22</td>
<td>Stealing money or property using physical force (no weapon involved)</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC24</td>
<td>Leaving school grounds without permission</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC25</td>
<td>Trespassing</td>
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<td>X</td>
<td>X</td>
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<tr>
<td>BSC26</td>
<td>Possessing dangerous instruments/substances that could be used to inflict harm upon another</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSC27</td>
<td>Weapons: Possessing any weapon (other than a firearm) as defined by §18.2-308.1.</td>
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<thead>
<tr>
<th>SBAR</th>
<th>Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.</th>
<th>Level</th>
<th>Level</th>
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<th>Notify Law Enforcement</th>
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<tr>
<td>BES01</td>
<td>Assault: Intending to cause physical injury to another person</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES02</td>
<td>Assault and Battery: Causing physical injury to another person</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>BES03</td>
<td>Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES04</td>
<td>Striking Staff: The use of force against a staff member when no injury is caused</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES05</td>
<td>Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications</td>
<td></td>
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<td>X</td>
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<tr>
<td>BES06</td>
<td>Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications</td>
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<tr>
<td>BES07</td>
<td>Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications</td>
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<td>X</td>
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<tr>
<td>BES09</td>
<td>Fire: Attempting to set, aiding in setting, or setting a fire</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES10</td>
<td>Gang-Related: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46.1</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES11</td>
<td>Hazing as defined in §18.2-56 and noted in § 22.1-279.6.</td>
<td></td>
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<td>X</td>
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<tr>
<td>BES12</td>
<td>Threatening or instigating violence, injury or harm to a staff member</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES13</td>
<td>Threatening or instigating violence, injury, or harm to another student</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES14</td>
<td>Threatening, intimidation, or instigating violence, injury or harm to another student(s) or other(s) in writing. If the written threat is to a staff member, a report to law enforcement is required unless the student making the threat has a disability.</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BES15</td>
<td>Using any weapon to threaten or attempt to injure school personnel, students, or others</td>
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<td>X</td>
<td>X</td>
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<tr>
<td>BES16</td>
<td>Using any weapon to threaten or attempt to injure student(s) or other(s)</td>
<td>X</td>
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<tr>
<td>BES17</td>
<td>Bomb threat-Making a bomb threat</td>
<td>X</td>
<td>X</td>
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</table>
## Secondary Schools Leveled Responses To Student Behaviors

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAP1</td>
<td>Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BAP2</td>
<td>Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)</td>
<td>X</td>
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<tr>
<td>BAP3</td>
<td>Scholastic dishonest (cheating, plagiarism)</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BAP4</td>
<td>Unexcused tardiness to class</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BAP5</td>
<td>Unexcused tardiness to school</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSO1</td>
<td>Altering an official document or record</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO2</td>
<td>Giving false information to staff</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO3</td>
<td>Refusal to comply with requests of staff in a way that interferes with the operation of school</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO5</td>
<td>Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO6</td>
<td>Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO7</td>
<td>Dress Code Violation</td>
<td>X</td>
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<tr>
<td>BSO8</td>
<td>Gambling (games of chance for money or profit)</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO9</td>
<td>Possessing items that are inappropriate for school (examples include toys, literature, electronics)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>BSO10</td>
<td>Possession of stolen items</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO11</td>
<td>Unauthorized use of school electronic or other equipment</td>
<td>X</td>
<td></td>
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<tr>
<td>BSO12</td>
<td>Violation of Acceptable Use of Technology/internet policy</td>
<td>X</td>
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<tr>
<td>BSO13</td>
<td>Violation of school board policy regarding the possession or use of portable communication devices</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>BSO14</td>
<td>Vandalism, graffiti or other damage to school or personal property</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>BSO15</td>
<td>Student is not going to class as assigned</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BSO16</td>
<td>Student is in an unauthorized area of the campus (NOT related to school or class attendance/nonattendance)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>RB1</td>
<td>Bullying with no physical injury (See Link: Model Policy to Addressing Bullying in Virginia’s Public Schools)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RB2</td>
<td>Cyberbullying (See Link: Model Policy to Addressing Bullying in Virginia’s Public Schools)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RB3</td>
<td>Posting, distributing, displaying, or sharing material or literature that is libelous, including using electronic means to post such material</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RB4</td>
<td>Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RB5</td>
<td>Stealing money or property without physical force</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community
(No physical harm is done.)

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>RB6</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>RB7</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>RB8</td>
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<td>X</td>
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<tr>
<td>RB9</td>
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<tr>
<td>RB10</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>RB11</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

### Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSC1</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>BSC2</td>
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<td>X</td>
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</tr>
<tr>
<td>BSC3</td>
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<tr>
<td>BSC4</td>
<td></td>
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<td>X</td>
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<td>BSC5</td>
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<td>BSC7</td>
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<tr>
<td>BSC8</td>
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<td></td>
</tr>
<tr>
<td>BSC9</td>
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<td>X</td>
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<tr>
<td>BSC10</td>
<td></td>
<td></td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>BSC11</td>
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<td></td>
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<td>BSC12</td>
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<td>X</td>
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<tr>
<td>BSC13</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>BSC14</td>
<td></td>
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<td>BSC15</td>
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<tr>
<td>BSC16</td>
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<tr>
<td>BSC17</td>
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<td></td>
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<td>X</td>
<td></td>
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</tbody>
</table>
### Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Description</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSC18</td>
<td>Exposing body parts, lewd or indecent public behavior</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>BSC19</td>
<td>Physical contact of a sexual nature – patting body parts, pinching, tugging clothing.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>BSC21</td>
<td>Stalking as described in the Code of Virginia section §18.2-60.3</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>BSC22</td>
<td>Stealing money or property using physical force (no weapon involved)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BSC24</td>
<td>Leaving school grounds without permission</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>BSC25</td>
<td>Trespassing</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BSC26</td>
<td>Possessing dangerous instruments/substances that could be used to inflict harm upon another</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BSC27</td>
<td>Weapons: Possessing any weapon (other than a firearm) as defined by §18.2-308.1.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

### Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Description</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BESO1</td>
<td>Assault: Intending to cause physical injury to another person</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO2</td>
<td>Assault and Battery: Causing physical injury to another person</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO3</td>
<td>Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO4</td>
<td>Striking Staff: The use of force against a staff member when no injury is caused</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO5</td>
<td>Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO6</td>
<td>Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO7</td>
<td>Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO9</td>
<td>Fire: Attempting to set, aiding in setting, or setting a fire</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO10</td>
<td>Gang-Related: Engaging in threatening or dangerous behavior that is gang-related as defined in §18.2-46.1</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>BESO11</td>
<td>Hazing as defined in §18.2-56 and noted in § 22.1-279.6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>BESO12</td>
<td>Threatening or instigating violence, injury or harm to a staff member</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO13</td>
<td>Threatening or instigating violence, injury or harm to another student</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO14</td>
<td>Threatening, intimidation, or instigating violence, injury or harm to another student(s) or other(s) in writing. If the written threat is to a staff member, a report to law enforcement is required unless the student making the threat has a disability.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BESO15</td>
<td>Using any weapon to threaten or attempt to injure school personnel, students, or others</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>BESO16</td>
<td>Using any weapon to threaten or attempt to injure student(s) or other(s)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
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<tr>
<td>BESO17</td>
<td>Bomb threat-Making a bomb threat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>
# K-12 Persistently Dangerous Category

<table>
<thead>
<tr>
<th>SBAR</th>
<th>Persistently Dangerous Category – Behaviors described in the Virginia's Unsafe School Choice Policy required by federal law</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
<th>Notify Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Sub-Category I</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>PD1</td>
<td>Homicide - Firearm</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>PD2</td>
<td>Homicide- Other Weapon</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>PD3</td>
<td>Sexual Assault</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>PD4</td>
<td>Attempted Sexual Assault</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>PD5</td>
<td>Use of a Bomb</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><strong>Sub-Category II</strong></td>
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<td></td>
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</tr>
<tr>
<td>PD6</td>
<td>Assault with Firearm or Weapon</td>
<td></td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>PD7</td>
<td>Actual or Attempted Robbery</td>
<td></td>
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<td></td>
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<td>X</td>
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<tr>
<td>PD8</td>
<td>Kidnapping/Abduction</td>
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<td></td>
<td></td>
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<tr>
<td>PD9</td>
<td>Malicious Wounding without a Weapon</td>
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<td></td>
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<tr>
<td>PD10</td>
<td>Aggravated Sexual Battery on a Student</td>
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<td></td>
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<tr>
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<td><strong>Sub-Category III</strong></td>
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<tr>
<td>PD11</td>
<td>Illegal Possession of Handgun</td>
<td></td>
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<td></td>
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<td>X</td>
<td>X</td>
</tr>
<tr>
<td>PD12</td>
<td>Illegal Possession of Rifle or Shotgun</td>
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<td>X</td>
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<tr>
<td>PD13</td>
<td>Illegal Possession of Any Other Projectile Weapon</td>
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<td></td>
<td></td>
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<td>X</td>
<td>X</td>
</tr>
<tr>
<td>PD14</td>
<td>Illegal Possession of Bomb</td>
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<td></td>
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</tr>
<tr>
<td>PD15</td>
<td>Illegal Possession of Other Firearms: firebombs, explosive materials or devices, hoax explosive devices per § 18.2-85, or explosive incendiary devices, as defined in § 18.2-433.1, or chemical bombs per § 18.2-87.1</td>
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<tr>
<td>PD16</td>
<td>Illegal Possession of Controlled Drugs and Substances with Intent to Distribute or Sell</td>
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</tbody>
</table>
Student Code of Conduct Guidelines, Definitions, Rules and Leveled Responses to Behavior

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.

Mandatory Reporting to Law Enforcement (§ 22.1-279.3:1(A))

The following is a list of incidents which school officials must immediately report to local law enforcement in accordance with the Code of Virginia § 22.1-279.3:1(A):

1. The assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
2. The assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in the Code of Virginia § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
3. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance (as defined in § 18.2-247), or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
4. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
5. The illegal carrying of a firearm, as defined in the Code of Virginia § 22.1-277.07, onto school property;
6. Any illegal conduct involving fire bombs, explosive materials or devices, or hoax explosive devices, as defined in the Code of Virginia § 18.2-85, or explosive or incendiary devices, as defined in the Code of Virginia § 18.2-433.1, or chemical bombs, as described in the Code of Virginia § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
7. Any threats or false threats to bomb, as described in the Code of Virginia § 18.2-83, made against school personnel or involving school property or school buses;
8. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.
Student Code of Conduct Guidelines (Policy JFC, Student Conduct)

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 that 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.

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, 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, 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. In addition, the principal shall make any required report to the superintendent, to law enforcement, and to the parent pursuant to Va. Code § 22.1-279.3.1. Principals will also report any acts that may constitute a criminal offense to the parents of any minor student who is the specific object of the offense and that the parents may contact law enforcement for further information. 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, including going to and returning from those activities and events. The rules also apply to students coming to and returning from school, including, but not limited to, school bus stops and the bus.
Student Conduct (Policy JFC) and Responses to Behavior

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 during both in-person and online instruction. All Board policies apply in approved alternate instructional settings.

This list of violations and definitions are additional descriptions and division policies for behaviors listed in the Student Behavior and Administrative Responses (SBAR) Charts on pp. 7-13.

Alcohol & Drugs and Over the Counter Medication (Policy 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 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 prescription or non-prescription medication of any kind may result in the same interventions and consequences as controlled substances. (BSC and BESO)

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.

Assault & Battery

An assault is a threat of bodily injury. A battery is the use of physical force, however slight, 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. This includes bullying that leads to physical injury. (BSC and BESO)

Required to be reported to law enforcement per the Virginia Department of Education.

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

Violating state, school division or school policy relating to attendance, such as failing to attend school without a legitimate excuse (i.e. illness, doctor's appointment, funeral in immediate family, administrative approval) or failing to report to class on time or for a portion of the day without a legitimate excuse. (BAP, BSO, and BSC)

**Bullying & Cyberbullying**

“Bullying” means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim, involves a real or perceived power imbalance between the aggressor or aggressors and victim, and is repeated over time or causes severe emotional trauma. This includes bullying behavior that is continuous after interventions. Bullying includes cyberbullying. Bullying does not include ordinary teasing, horseplay, or peer conflict. ([See “How Can I Tell If It Is Bullying?”, page 4](#))

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, social media, instant messaging, defamatory websites or polling sites, to support deliberate, hostile behavior intended to harm others. This includes cyberbullying that is continuous after interventions. 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 substantial disruption to the school environment or violate the rights of students, staff or teachers.

Bullying and/or cyberbullying may include behavior that is sexual, discriminatory, or emotional in nature. (RB and BSC)

**Bus Misconduct**

Actions in violation of standard bus safety rules or which may distract the driver’s attention and endanger the safety of riders. ([See “Bus and Bus Stop Expectations”, page 5](#)) (BSC)

**Campus/Classroom Disruption**

Physical or verbal actions that distract students and staff or otherwise interfere with or disrupt the teaching/learning process inside or outside the classroom. This shall include but not limited to talking, excessive noise, off-task behavior, out of seat, possessing items that distract, interrupting a class, engaging in reckless behavior or being present in an area without permission. This includes inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or student. (BAP and BSC)

**Cell Phones/Electronic Devices/Inappropriate Use**

Williamsburg-James City County Schools provides all students access to the Internet and other digital resources in all school-based learning environments, as a means to enhance their education. Students will have access to school division computers and electronic equipment provided that the student and a parent/guardian read, agree to, and turn in a signed form for Policy IIBEA (Technology Acceptable Use Policy or AUP) and the laptop agreement form. Students will follow teacher and administrator instructions and turn devices off as instructed.

Any technology that is issued for student use is the property of Williamsburg-James City County Schools and must be returned at the end of the academic year, within three (3) school days of withdrawal from a WJCC school, or immediately upon the request of a teacher or administrator.

The possession of personally owned cell phones 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: cell phones, Bluetooth speakers or headphones, radios, tape or digital recorders, electronic games, MP3 players, iPods, laptops, tablet computers, smartphones, and smart watches.

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.

Unauthorized access to or inappropriate use of technology is unacceptable.

Required to be reported to law enforcement per the Virginia Department of Education.

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.
Grades K-8: All personally owned cell phones 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 cell phones or electronic devices. Students shall not display or activate cell phones or personal equipment during class time unless specifically given permission by a teacher or school administrator for instructional or specifically identified purposes. Students must turn devices off as instructed.

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.

**Dress Code (Policy JFCA)**

Students shall comply with individual dress codes established by the school. The responsibility for the student’s appearance rests with the parents/guardians and the students. This includes the right to determine students’ dress, providing it 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.

Dress that is disruptive or distracting is not acceptable. Schools shall administer and enforce dress and grooming codes consistently across the student body. If contacted by the school administration, parents/guardians may be requested to come to the school to exchange unacceptable clothing.

Requirements for attire for school-related programs, activities, and events shall be gender neutral or provide choice.

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. (BSO)

**False Alarm**

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

**Fighting, Biting, Pushing, Shoving, Striking (Physical Aggression)**

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 individual property or school property. (BSC and BESO)

**Fire Related**

Attempting to set, aiding in setting, setting, providing a false report of a fire, or possessing items that could be used to set or cause a fire or produce large amounts of smoke. (BSC and BESO)

**Gambling**

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. (BSO)

**Gang Activity (Policy JFCE)**

Participation in gang-related activity, as defined in § 18.2-46.1, including visual signs of affiliation, intimidation or illegal actions. The school board recognizes 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. In addition, students shall not engage in gang activity using the WJCC network at any time. A gang is defined as any group of three or more persons whose purpose includes:

- commission of illegal acts
- participation in activities that impact the safety of persons or property
- disruption of the school environment
- creation of an atmosphere of fear and intimidation

Students who participate in gang activity are subject to disciplinary action in accordance with Policy JFC, Student Conduct Gang activity is defined as:

- Required to be reported to law enforcement per the Virginia Department of Education.

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

The superintendent or superintendent’s designee, in cooperation with local law enforcement and/or juvenile agencies, develops and regularly communicates regarding current trends in gang clothing, jewelry, emblems, badges, signs, gestures, handshakes, and symbols.

The superintendent or superintendent’s designee provide in-service training in gang behavior and characteristics to facilitate staff identification of students at risk of gang involvement and promote membership in authorized school groups and/or activities as an alternative. (BESO)

Giving False Information

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

Harassment/Discrimination

Intentional actions, comments, or taunting based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, disability, or any other characteristics protected by law. (See “Equal Educational Opportunities/Nondiscrimination/Harassment (JB)”, page 40) (RB and BSC)

Hazing

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

Inappropriate Language, Gestures or Literature

Posting, distributing or sharing verbal, non-verbal or written communication that is abusive, obscene, vulgar or profane. This communication may include swearing, cursing, hate speech, gang signs or gestures. (RB)

Other Good & Just Cause (Engaging in reckless behavior)

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

Refusal to Comply to Staff Request (defiance/insubordination)

Refusal to follow or respond to the direction or question of any staff during the time the student is in school or participating in a school event or activity. Purposefully destroying or refusing to surrender any material, item, weapon or object in one’s possession deemed significant to an infraction which a school employee has requested the student surrender. (BSO and RB)

Scholastic Dishonesty

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. (BAP)

Sexual Assault

Physical sexual aggression and/or forcing another to engage in sexual activity.

Sexual Harassment

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. (See “Title IX Policy (JBCC)”, page 30) (RB and BSC)

Required to be reported to law enforcement per the Virginia Department of Education.

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.
Sexual Misconduct
Engaging or attempting to engage in sexual misconduct that violates school rules regarding contact is prohibited. For purposes of this policy, sexual misconduct includes, but is not limited to, sexual intercourse, oral sex, rubbing, fondling, or groping of the genitals or indecent public behavior. (RB)

Stalking
The act or crime of willingly and repeatedly following or harassing another person in circumstances that would cause a reasonable person to fear injury or death especially because of expressed or implied threats. (BSC)

Stealing
Attempting to take or taking of personal or school property from another person without the consent of the owner. This may include taking, possessing or transferring the property of another with or without using physical force, threat or use of weapons. (BSO, RB, and BSC)

Teasing, Taunting (Verbal Aggression)
Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight (a noisy, heated verbal dispute. (RB)

Threats
Direct or indirect threats (verbal, physical, written or electronic) that imply, instigate or create fear of harm or violence to another student, adult, the school building, school transportation, bus stop area, school property, or school event. Cyberbullying that relates a threat to the safety of students and staff will be treated with a higher level of intervention and consequences. (Threats against staff require police notification) (BSC and BESO)

Bomb Threats - Conveying by any means, whether verbally or in writing, a plan, intent or threat to detonate or ignite a destructive explosive device. (BESO)

Tobacco and Nicotine Vapor Products
The use, distribution, selling or possession of any tobacco product, including smokeless tobacco, electronic cigarettes, nicotine vapor and any other products containing nicotine or 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, rolling papers, pipes, and liquids used in electronic smoking devices whether or not they contain nicotine, etc. is prohibited. Tobacco use includes smoking, chewing, dipping, electronic device use, or any other use of tobacco products. (BSC)

Trespassing
Entering any school property or school facility without proper authorization, including entering any school or school activity during a period of suspension or expulsion. Allowing entrance into the school building to any unauthorized individual. (BSO and BSC)

Unauthorized Property
The unauthorized possession or use of any type of personal property, such as toys, games, electronic devices, or any other item that disrupts the educational process, is prohibited. (BSO)

Vandalism
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. (BSO)

Weapons/Dangerous Objects (Policy JFCD)
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 recommended for expulsion by the principal, unless the principal determines that, based on the facts of the

Required to be reported to law enforcement per the Virginia Department of Education.

The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process.
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 stun gun. "Stun gun" means any device that emits a momentary or pulsed input which is electrical, audible, optical, or electromagnetic in nature and which is designed to temporarily incapacitate a person.
5. Any knife, except a pocketknife having a folding metal blade of less than three inches.
6. (i) any pistol revolver, or other weapons designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowtie knife, switchblade, ballistic knife, machete, razor, sling bow, spring stick, metal knucks or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whichever configuration, having at least two pints or pointed blades which is designed to be thrown or propelled and which may be known as throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection.
7. 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.
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 (https://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:

A. **Short-term Suspension** means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

   For students in grades K-3, a suspension may not extend beyond three school days unless:
   1. The student has been adjudicated delinquent or convicted of one of the offenses listed in subsection G of § 16.1-260 of the Code of Virginia;
   2. The offense involves possession of a firearm, destructive device, firearm muffler, firearm silencer, or pneumatic gun on school property or at a school-sponsored activity;
   3. The offense involves possession of a controlled substance, imitation controlled substance, or marijuana on school property or at a school-sponsored activity;
   4. The offense involves physical harm or credible threat of physical harm to others; or
   5. The superintendent or the superintendent’s designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

B. **Long-term Suspension** means any disciplinary action whereby a student is not permitted to attend school for 11-364 calendar days.

   A long-term suspension may not extend beyond 45 school days unless:
   1. The offense involves possession of a firearm, destructive device, firearm muffler, firearm silencer, or pneumatic gun on school property or at a school-sponsored activity;
   2. The offense involves possession of a controlled substance, imitation controlled substance, or marijuana on school property or at a school-sponsored activity;
   3. The offense involves physical harm or credible threat of physical harm to others; or
   4. The superintendent or the superintendent’s designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

C. **Expulsion** means any disciplinary action imposed by the school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

   No student in grades K-3 may be expelled unless:
   1. The student has been adjudicated delinquent or convicted of one of the offenses listed in subsection G of § 16.1-260 of the Code of Virginia;
   2. The offense involves possession of a firearm, destructive device, firearm muffler, firearm silencer, or pneumatic gun on school property or at a school-sponsored activity;
   3. The offense involves possession of a controlled substance, imitation controlled substance, or marijuana on school property or at a school-sponsored activity;
   4. The offense involves physical harm or credible threat of physical harm to others; or
   5. The superintendent or the superintendent’s designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

D. **Exclusion** means the school board’s denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.
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, in the case of a student in grades K-3 for 3 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 or if a student in grades K-3 is recommended for a suspension in excess of three school days, 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:

   a. 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.

   b. 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.

   c. 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.

   d. 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.

   e. 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.

   f. The school board/committee may, by majority vote, uphold, reject or alter the recommendation.

   g. The school board/committee shall transmit its decision to the student, his/her parent(s)/guardian(s), the principal and the superintendent.
h. 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.

i. 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. 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. Services will be provided to the extent necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals of the student's IEP, as determined by school personnel, in consultation with the student's special education teacher.
6. The person or persons imposing the discipline should consider unique circumstances and discipline on a case-by-case basis.
7. 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.
2. 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.
3. A manifestation determination review meeting must be held within ten (10) school days and educational services will be determined through the IEP process.
4. 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.

5. 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.

6. 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 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:
The Section 504 team shall determine whether or not the student’s behavior was a manifestation of the student’s disability. The behavior plans, discipline records, staff observations, parent/guardian information, and annotative records when making this determination.

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.

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.

**Title IX Policy (JBCC)**

I. **Policy Statement**

The Williamsburg-James City County School Board is committed to maintaining an educational environment and workplace that is free from sexual harassment against students, employees, or others in its education program or activity.

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

II. **Definitions**

The Compliance Officer is the person designated by the school board to receive complaints of harassment referred by the Title IX Coordinator and oversee investigation of those complaints as described below.

"Consent" is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

**Prohibited Conduct**

"Sexual harassment prohibited by Title IX" means conduct on the basis of sex that satisfies one or more of the following:

- an employee of the school board conditioning the provision of an aid, benefit, or service of the school board on an individual's participation in unwelcome sexual conduct;
- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school board's education program or activity; or

Sexual harassment which does not meet the definition of harassment prohibited by Title IX will be processed under the Student Code of Conduct or Policy JB, Equal Educational Opportunities/Nondiscrimination/Harassment.

"Title IX" means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

"Title IX Coordinator" means the person designated by the school board to coordinate its efforts to comply with its responsibilities under this policy and Title IX. The Title IX Coordinator may be contacted at:

Senior Director of Student Services, WJCC Schools
P.O. Box 873
Williamsburg, VA 23187-8783
(757) 604-6533
Compliance.Officer@wjccschools.org

III. **Complaint Procedure**

**Report**

Any student or school personnel who believes he or she has been the victim of sexual harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment to the Title IX Coordinator or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited sexual harassment should report such conduct to the Title IX Coordinator or to any school personnel. Any school personnel who has notice
that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator should be reported to the superintendent.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted.

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

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process below is followed.

The Title IX Coordinator also determines whether the alleged harassment may also constitute criminal conduct and ensures that law enforcement officials are notified if necessary.

If the alleged harassment also constitute child abuse, then it must be reported to the Department of Social Services in accordance with Policy GAE Child Abuse and Neglect Reporting.

**Sexual Harassment Prohibited by Title IX**

**Definitions**

“Actual knowledge” means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by Title IX.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment prohibited by Title IX against a respondent and requesting that the allegation be investigated. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. The allegations in a formal complaint must be investigated. In response to a formal complaint, the Title IX Grievance Process below is followed.

“Program or activity” includes locations, events or circumstances over which the school board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by Title IX.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school board’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security or monitoring of parts of campus, and other similar measures. Any supportive measures provided to the complainant or respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Title IX Grievance Process**

**Generally**

Any person may report sex discrimination prohibited by Title IX, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The reporting party may use the form, Report of Harassment, GBA-F/JFHA-F, to make a complaint. Such a report may be made at any time, including non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Complainants and respondents are treated equitably by offering supportive measures to a complainant and by following this
grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the school board are notified

• of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator, and
• that the school board does not discriminate on the basis of sex in its education program or activity and that it is required by Title IX not to discriminate in such a manner. The notification states that the requirement not to discriminate extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

The school board prominently displays the contact information for the Title IX Coordinator and this policy on its website and in each handbook or catalog it makes available to persons listed above who are entitled to notifications.

Nothing herein precludes a respondent from being removed from the school board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process.

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the school board's education program or activity.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All relevant evidence is evaluated objectively, including both inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

Any Title IX Coordinator, investigator, decision-maker, or any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receives training on the definition of sexual harassment prohibited by Title IX, the scope of the school board's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

A finding of responsibility may result in disciplinary action up to and including expulsion for students or dismissal of employees.

The standard of evidence used to determine responsibility is preponderance of the evidence.

This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

Notice of allegations

On receipt of a formal complaint, the Title IX coordinator gives the following written notice to the parties who are known:

• notice of the grievance process, including any informal resolution process, and
• notice of the allegations of sexual harassment potentially constituting sexual harassment prohibited by Title IX, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment prohibited by Title IX, and the date and location of the alleged incident, if known.

The written notice
• includes a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
• informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
• informs the parties of any provisions in the school board’s code of conduct or the superintendent’s Standards of Student Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, notice of the additional allegations is provided to the parties whose identities are known.

Dismissal of formal complaints

A formal complaint or any allegations therein must be dismissed if the conduct alleged in the complaint
• would not constitute sexual harassment prohibited by Title IX even if proved,
• did not occur in the school board’s education program or activity, or
• did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the school board’s code of conduct or the superintendent’s Standards of Student Conduct.

A formal complaint or any allegations therein may be dismissed if at any time during the investigation:
• a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
• the respondent is no longer enrolled or employed by the school board; or
• specific circumstances prevent the school board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Investigation of formal complaint

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school board and not on the parties provided that a party’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party’s parent, or the party if the party is an eligible student, to do so for this grievance procedure.

The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other incriminating and exculpatory evidence.

The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The choice or presence of advisor for either the complainant for respondent is not limited in any meeting or grievance proceeding.

Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.

The investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and incriminating or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to the completion of the investigative report, the investigator must send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, sends to each party and the party’s advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any
The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- findings of fact supporting the determination;
- conclusions regarding the application of the school board’s code of conduct or the superintendent’s Standard of Student Conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school board imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school board’s education program or activity will be provided to the complainant; and
- the procedures and permissible bases for the complainant and respondent to appeal.

The decision-maker must provide the written determination regarding responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeals

Either party may appeal from a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Notification of appeal must be given in writing to the Title IX Coordinator.

As to all appeals, the Title IX Coordinator

- notifies the other party in writing when an appeal is filed and implements appeal procedures equally for both parties;
- ensures that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- ensures that the decision-maker for the appeal complies with the standards set forth in Title IX and this policy.

The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator’s report, and the decision-maker’s written decision;
- issues a written decision describing the result of the appeal and the rationale for the result; and
- provides the written decision simultaneously to both parties and the Title IX Coordinator.

Timelines

The investigative report will be provided to the parties within 60 working days from the date the formal complaint is filed.

Each party must submit any written follow-up questions within 10 calendar days of the receipt of the investigation report. Upon
receipt of the written questions, if any, both the written questions and the report will be forwarded to the decision maker. A decision will be issued within 20 working days from the date the investigative report is submitted to the decision-maker.

Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties. Any appeal will be resolved within 45 calendar days from the filing of the appeal. If the parties agree to an informal resolution process, these deadlines are tolled from the time one party requests an informal resolution process until either the time the other party responds, if that party does not agree to the informal resolution process, or until either party withdraws from the informal resolution process.

Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; disciplinary processes required by law or school board policy; or the need for language assistance or accommodation of disabilities.

**Informal Resolution Process**

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the parties may participate in an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. When one party requests an informal resolution process, the other party must respond to the request within 5 days. The informal resolution process must be completed within 20 days of the agreement to participate in the process.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- the parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the grievance process with respect to the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- the parties, voluntarily and in writing, consent to the informal resolution process; and
- the informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. If the matter is not resolved, the formal complaint process is resumed.

Parties cannot be required to participate in an informal resolution process. An informal resolution process is not offered unless a formal complaint is filed.

**Recordkeeping**

The school board will maintain for a period of seven years records of:

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to school board's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will also be made available on the school board's website.

For each response required under 34 C.F.R. § 106.44, the school board must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by Title IX. In each instance, the school board will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the school board does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Title IX Coordinator will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

V. Right to Alternative Complaint Procedure

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

VI. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

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

VII. False Charges

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

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. As used in this subsection, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with application requirements.

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, cause such child to attend a public school or 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 causing a child to attend 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 causing the child to attend 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. A 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 observance of a religious holiday, if the absence has been verified 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 preparatory program for passing a high school equivalency examination approved by the Board of Education 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 preparatory program or approved alternative education program to such principal or his designee;
3. Mandatory enrollment in a program to earn a Board of Education approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;
4. Successful completion of the course in economics and personal finance required to earn a Board of Education approved high school diploma;
5. Counseling on the economic impact of failing to complete high school; and
6. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

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 C 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.

Search and Seizure (JFG)

To protect the health, safety and welfare of students and school personnel, school employees may search a student, student belongings, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the school division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school or any item described as unauthorized in any school board policies or regulations or school/division policy and/or regulation, including but not limited to the Student Code of Conduct (collectively "school rules").

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

Personal Searches

A student's person and/or personal belongings (e.g. purse, book bag, etc.) may be searched by a school official whenever the official has reasonable suspicion to believe that the student has violated or is about to violate the law or a policy, procedure or school rule and that the search will yield evidence of the violation.

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be: 1. justified at its inception; and 2. reasonably related in scope to the circumstances justifying the search.

An individual search is justified at its inception when a school official has reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

A personal search may include requiring a student to be scanned with a metal detector. A pat down search of a student may only be
conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present, when available. A pat down search of a student’s person will be conducted by a school official of the opposite sex only when a school official of the same sex is not available and when failure to conduct the search would likely result in imminent harm to the student who is subject of the search, other students, or school staff members. A school official will attempt to contact the parent or guardian by the end of the next school day after a pat down search occurs.

WJCC staff are not authorized to conduct a strip search. Police officers will follow the established procedures for their respective organizations.

**Locker and Desk Searches**

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

**Automobile Searches**

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

**Computer Searches**

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

**Consent Searches**

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

**Seizure of Illegal Materials**

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

**Teacher Removal of Students from Class (JGCA)**

Teachers have the initial authority to remove a student from a classroom for disruptive behavior. Disruptive behavior is defined as a violation of the school board policies governing student conduct that disrupts or obstructs the learning environment. For a list of the areas of offenses and their definitions, see school board Policy JFC, Student Conduct.

Severity of the offense will determine the stage where intervention begins.

- Tier 1 - Teacher Involvement
- Tier 2 - Teacher and Parent Involvement
- Tier 3 - Teacher, Parent, and Administration Involvement

For more serious incidents that significantly disrupt the learning environment or create a safety concern, students may be removed from the classroom to an alternative setting in which the student will continue to receive an education and will be supervised by another staff member.

Prior to removal of a student from the classroom, the guidelines below must be followed:

- The student's behavior is disruptive as defined above.
- The removal of the student is necessary to restore a learning environment free from disruptions or obstructions caused by the student’s behavior.
- The removal of the student occurs only after teacher and/or administrative intervention(s) have failed to end the student's disruptive
behavior. Teachers are required to contact the parent within 24 hours, as well as document discipline interventions and parental contact.

- Teachers are required to file a referral with the school administrator within 24 hours and provide documentation supporting the student's removal from class.

When the above guidelines have been satisfied, teacher removal of a student from the classroom shall be deemed appropriate.

Once a referral has been received from the teacher, the principal or his or her designee is responsible for ensuring that written notice of the student's behavior is given to the parent within 48 hours. 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 or his or her designee 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.

Once placed in an alternative setting, the teacher will provide assignments to ensure continuation of the student's education for the duration of the alternative setting. The principal or his or her designee may recommend an alternative placement of any student removed from class by a teacher. The principal may:

- assign the student to another class.
- send the student to the principal's office or alternative classroom setting. If the principal chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student.
- choose to assign an appropriate disciplinary action, including suspension or recommendation for expulsion, if warranted. If the principal chooses this option, alternative instruction and assignment, if any, shall be provided according to school board policy and in the case of students with disabilities, in compliance with state and federal law and the student's IEP.

The principal shall notify the teacher of the decision to return the student to class. The teacher may recommend criteria for the student's return to class. If the administrator disagrees with the criteria, a conference with the teacher must be held as soon as possible. In the conference, the teacher may provide input regarding the decision, but the administrator has the final authority to determine when and under what conditions the student may return to the classroom.

Once the decision has been made to return the student to the class, the teacher and principal shall develop a plan to address future disruptive behavior 48 hours before the student returns to class.

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 as well as school board policy regarding students with disabilities.

This policy shall not be construed to limit or restrict other school board policies and regulations for maintaining order in the classroom.

### 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 of 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 Acknowledgment

This is to acknowledge that I have received a copy of the Student 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 Student 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 Student 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)

<table>
<thead>
<tr>
<th>School Name</th>
<th>Main Office</th>
<th>Address</th>
<th>City/County</th>
<th>Mascot</th>
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</thead>
<tbody>
<tr>
<td>Clara Byrd Baker</td>
<td>(757) 221-0949</td>
<td>3131 Ironbound Rd., Williamsburg, VA 23185</td>
<td>James City County</td>
<td>Bears</td>
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<tr>
<td>D.J. Montague</td>
<td>(757) 258-3022</td>
<td>5380 Centerville Rd., Williamsburg, VA 23188</td>
<td>James City County</td>
<td>Mustangs</td>
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<tr>
<td>J. Blaine Blayton</td>
<td>(757) 565-9300</td>
<td>800 Jolly Pond Rd., Williamsburg, VA 23188</td>
<td>James City County</td>
<td>Bees</td>
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<tr>
<td>James River</td>
<td>(757) 887-1768</td>
<td>8901 Pocahontas Trail, Williamsburg, VA 23185</td>
<td>James City County</td>
<td>Dolphins</td>
</tr>
<tr>
<td>Matoaka</td>
<td>(757) 564-4001</td>
<td>4001 Brick Bat Rd., Williamsburg, VA 23188</td>
<td>James City County</td>
<td>Cardinals</td>
</tr>
<tr>
<td>Norge</td>
<td>(757) 564-3372</td>
<td>7311 Richmond Rd., Williamsburg, VA 23188</td>
<td>James City County</td>
<td>Roadrunners</td>
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<tr>
<td>Laurel Lane</td>
<td>(757) 229-7597</td>
<td>112 Laurel Ln., Williamsburg, VA 23185</td>
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<td>Penguins</td>
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<tr>
<td>Stonehouse</td>
<td>(757) 566-4300</td>
<td>3651 Rochambeau Dr., Williamsburg, VA 23188</td>
<td>James City County</td>
<td>Sea Stars</td>
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<tr>
<td>Matthew Whaley</td>
<td>(757) 229-1931</td>
<td>301 Scotland St., Williamsburg, VA 23185</td>
<td>City of Williamsburg</td>
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## Middle Schools (6–8)

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<tbody>
<tr>
<td>Berkeley</td>
<td>(757) 229-8051</td>
<td>1118 Ironbound Rd., Williamsburg, VA 23188</td>
<td>City of Williamsburg</td>
<td>Bulldogs</td>
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<tr>
<td>James Blair</td>
<td>(757) 603-6565</td>
<td>101 Longhill Rd., Williamsburg, VA 23185</td>
<td>City of Williamsburg</td>
<td>Spiders</td>
</tr>
<tr>
<td>Lois S. Hornsby</td>
<td>(757) 565-9400</td>
<td>850 Jolly Pond Rd., Williamsburg, VA 23188</td>
<td>James City County</td>
<td>Hawks</td>
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<tr>
<td>Toano</td>
<td>(757) 566-4251</td>
<td>7817 Richmond Rd., Toano, VA 23168</td>
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## High Schools (9–12)

<table>
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<tr>
<td>Jamestown</td>
<td>(757) 259-3600</td>
<td>3751 John Tyler Hwy., Williamsburg, VA 23185</td>
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<td>Lafayette</td>
<td>(757) 565-0373</td>
<td>4460 Longhill Rd., Williamsburg, VA 23188</td>
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<td>Warhill</td>
<td>(757) 565-4615</td>
<td>4615 Opportunity Way, Williamsburg, VA 23188</td>
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### FALL SEMESTER

#### August 2023
- 28 First Day of School

#### September 2023
- 1 Student Holiday
- 4 Labor Day, WJCC Schools & Offices Closed

#### October 2023
- 2 Student Holiday
- 4 Interim Report (MS/HS)

#### November 2023
- 6,7 Parent Conferences, Student Holiday
- 7 Election Day, Student Holiday
- 8 2nd Marking Period Begins
- 15 Report Cards (K-12)
- 22-24 Thanksgiving Break, WJCC Schools & Offices Closed

#### December 2023
- 14 Interim Report (MS/HS)
- 20-29 Winter Break

#### January 2024
- 1 New Years Day, WJCC Schools & Offices Closed
- 2 WJCC Schools & Offices Closed
- 15 Martin Luther King Jr. Holiday, WJCC Schools & Offices Closed
- 25,26 Student Holiday
- 29 3rd Marking Period Begins

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### HEROES OF HOPE

**Who are the WJCC Schools Heroes of Hope?**

**Visit wjccschools.org to Nominate an Employee**

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**Follow @wjccschools on social media!**

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### What's for lunch?

View lunch menus at wjccschools.org/lunch or scan the QR Code:

*Lunch* menu for the upcoming month are usually available by the last week of the previous month.
### Spring Semester

#### February 2024

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**6** Report Cards (K-12)  
**19** Presidents’ Day - WJCC Schools & Offices Closed

#### March 2024

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**5** Student Holiday  
**7** Interim Report (MS/HS)  
**19** PK-12 Early Release

#### April 2024

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**1-5** Spring Break  
**8** 4th Marking Period Begins  
**12** Report Cards (K-12)  
**26** Student Holiday

#### May 2024

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**8** Interim Report (MS/HS)  
**27** Memorial Day, WJCC Schools & Offices Closed

#### June 2024

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**11,12** HS Early Release  
**13,14** PK-12 Early Release  
**19** Last Day of School  
**26** Report Cards (K-12)**

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### Heroes of Hope

**Who are the WJCC Schools Heroes of Hope?** Visit wjccschools.org to nominate an employee.

Follow @wjccschools on social media!

### WJCCvue

**Stay Connected & Up to Date**  
Anytime, Anywhere Access

**Get access to real-time to:**  
- Grades  
- Attendance  
- Assignments  
- Announcements

**Questions?**  
Visit wjccschools.org/vue or scan the QR Code to learn more.

---

**What’s for lunch?**

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**See reverse side for Fall semester**